Theologia Moralis

Volume IX

The office of confessors, Holy Orders in particular, the prohibition of books, the decrees of the Roman Pontiffs, and the privileges of regulars; with the general indexes

St Alphonsus Maria de Liguori

(Sancti Alphonsi de Ligorio)

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Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 7*]

THE MORAL THEOLOGY of Saint Alphonsus de Liguori, FOUNDER of the Congregation of the Most Holy Redeemer and formerly Bishop of Saint Agatha of the Goths. Included are: 1. A Dissertation by Father Zacharias on Saint Alphonsus' Moral Theology. 2. A Handbook for Confessors for properly receiving confessions. 3. An Examination of Candidates for Orders. 4. A Summary of Moral and Canonical Doctrine from the works of Benedict XIV. 5. Decrees of the Roman Pontiffs and Propositions condemned. 6. Appendix I. On the Privileges, namely, of Bishops, Clergy, and Religious. 7. Appendix II. On the prohibition of harmful books. 8. A List of questions revised by the Author. 9. Index I. Of Authors cited in this Work. 10. Index II. Of Chapters and Doubts. 11. Index III. Of Notable Matters contained throughout the entire Work. NEWEST EDITION, THE MOST ACCURATE OF ALL, COMPARED WITH THE VENETIAN, ROMAN, AND BASSANESE EDITIONS, AND CONTAINING EVERYTHING WHICH THE AUTHOR HAS ADDED, REVISED, OR EXPLAINED ELSEWHERE. Many things omitted in other Editions have been restored, inaccurate citations have been corrected, many printing errors have been corrected, and necessary annotations have been added, by Father Michael Heilig, of the Congregation of the Most Holy Redeemer, Priest and Professor of Moral Theology. VOLUME NINTH, CONTAINING THE HANDBOOK OF CONFESSORS, THE EXAMINATION OF CANDIDATES FOR ORDERS, AND THE SUMMARY OF MORAL AND CANONICAL DOCTRINE FROM THE WORKS OF BENEDICT XIV. MECHILINIÆ. Father J. Hanicq, Printer to the Supreme Pontiff, the Sacred Congregation for the Propagation of the Faith, and the Archbishop of Mechlin. SYLVÆDUCIS. AT THE PUBLISHERS, THE BROTHERS VERHOEVEN. MDCCLXLVI. 5 1972/969. Digitized by Google.

[*Latin ed. p. 9*]

INTRODUCTION. 1. The reward, indeed, will be great with which good confessors will be compensated in eternity, and those who are so certain of their predestination, who dedicate themselves to the salvation of souls, are so secure, as the Apostle James (ch. 5, v. 20) clearly testifies with these words: "He must know that he who causeth a sinner to be converted from the error of his way shall save his soul from death and shall cover a multitude of sins." But the Church laments and mourns, seeing so many of her children destined for hell, either because of the wickedness of confessors, or their ignorance, or their negligence, or their corruption; for the ruin or salvation of the people depends primarily on the good or bad governance of these confessors. "Let there be suitable confessors," (said St. Pius V), "and behold, the reformation of all Christians in every way." It is not to be doubted that, if all confessors possessed that knowledge and goodness of

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morals which the ministry requires, neither would the world be so defiled by the banquet of sins, nor would hell be so filled with the souls of the baptized. And when I speak of goodness, I do not here mean that habitual goodness alone, which signifies a simple state of grace, but a positive goodness, which befits the minister of penance, to whom, as a nurse, a double nourishment is needed, one for his own sustenance, and the other for the sustenance of his offspring; for since the confessor must direct the consciences of others, he must be very careful not to err either by excessive indulgence or by immoderate rigor. He must treat so many wounds of sin, lest he himself be defiled.

[*Latin ed. p. 10*]

It often happens that women and young people, when confiding in a priest, are hesitant to speak of those things about which they are exceedingly ashamed, and feel that they have suffered some harm thereby; while with distinguished persons, setting aside all worldly considerations, they are armed with great fortitude. And, to encompass all these things in a single word, he must be rich in charity, sweet in gentleness, and grave in prudence. Therefore, in order that all these qualities, as is fitting, may be fulfilled, it is not enough to possess ordinary goodness, which certainly can never be attained by one to whom prayer is not familiar, nor meditation is daily; for no one can obtain the light and the necessary graces for this great ministry, even those angelic spirits, as it is commonly said, who are to be feared, except through this means. But let us proceed to the purpose of our work, namely, the practice of hearing confessions, of which we shall speak here only briefly. In this Practice, I shall expound many doctrines pertaining to it, but lest I repeat those which I have described more fully in the Moral Work, here I shall only note (by means of inserted letters indicating) the passages in the Work to which I refer the reader, so that he may read more copiously the doctrines confirmed by reasons and authorities.

[*Latin ed. p. 11*]

THE PRACTICE OF THE CONFESSOR FOR WELL RECEIVING CONFESSIONS. CHAPTER FIRST. CONCERNING THE OFFICES OF THE CONFESSOR. 2. THERE are four offices which a good confessor ought to exercise: namely, those of a father, a physician, a doctor, and a judge. In this chapter, there will be a discussion of each of these individually. IF... Concerning the office of a father (1). 5. THE CONFESSOR, in order to fulfill the parts of a good father, must be filled with charity. And first, he must show charity (1) To which charity pertains. Hom. sp. tr. 21, n. 1, Edit. 1.

[*Latin ed. p. 12*]

In receiving all with kindness, whether they be poor, uneducated, or sinners. Some devote only a certain amount of time to hearing the confessions

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of certain devout individuals or respectable persons, because they lack the courage to repel those who might offend them; however, if a miserable sinner approaches them, they listen with reluctance and drive him away, burdened with reproaches; thus, that poor soul, having made the greatest effort to come to the knowledge of his sins, feeling himself so harshly received, begins to harbor hatred for the Sacrament of Penance, and, despairing of finding someone who will help him and absolve him from his sins, falls headlong into the abyss of a lost life, and falls into the despair of salvation. Conversely, good confessors act differently; when such sinners come to them, they receive them with kindness, and (as a victor rejoicing in captured prey) they rejoice, realizing that their lot has fallen to them to snatch a soul from the hands of the demon. They know that this Sacrament was properly instituted not for the just, but for sinners; for even venial sins do not require sacramental absolution, as they can be remitted in many other ways. They also know that Christ Himself declared these words: "It is not the healthy who need a physician, but the sick." Matthew 9:12. Therefore, the confessor, filled with the spirit of charity, the more he finds souls stained by numerous and heinous sins, the more he embraces them with greater charity, so that he may offer them to God, and he gives them comfort with these or similar words: "My brother! Be of good cheer, do not be afraid; bravely confess your sins. Open everything completely, let nothing shame you. It does not matter if you do not delve into every corner of your conscience: it is enough if you answer the questions. Give thanks to God who has waited for you until now to repent. Now you must change your life. Rejoice, because God certainly forgives all your sins, no matter how great, if you have a good will; and therefore He waited for you so that He might have mercy on you. Therefore, speak everything with a cheerful spirit, concealing nothing." 4. Furthermore, he must demonstrate even greater charity in receiving those who confess. He must take care not to show himself impatient or bored; nor should he show astonishment at the sins that are recounted; unless the penitent is so hardened or impudent as to recount more and more atrocious sins without any shame or feeling of disgust, because in that case, the work...

[*Latin ed. p. 13*]

It is fitting to exert oneself to the utmost, so that the penitent may perceive the deformity and magnitude of his sins; and therefore, a more severe correction is required at that time, so that he may be awakened from a deadly lethargy. It is true, as the Doctors say, that confessors ought to abstain from correction during the act of confession, lest the penitents, being terrified, conceal their sins; nevertheless, this is understood in a general sense, and it often happens that it is expedient not to proceed further, but to correct the penitent immediately, especially when he confesses a very grave sin, or if he himself is accustomed to some vice, so that he may understand

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the gravity of the sin. However, care must be taken not to exasperate him, nor to terrify him. Therefore, after he has corrected him as much as is necessary, he should immediately encourage him to confess the remaining sins, saying: "Brother! Do you wish to turn away from this vice? Is it not so? And since you are prepared to do this, be of good cheer. Therefore, recount the remaining sins, concealing nothing. Beware, I beg you, lest you be about to commit some sacrilege; for this would be the greatest of all the sins that you have committed thus far. Therefore, say everything with a strong spirit, overcome yourself: Confess everything sincerely: for God is ready to have mercy on you."

5. Then, at the end of the confession, it is necessary that the confessor should exert himself with greater ardor and zeal, so that the penitent may perceive the gravity and multitude of his sins, and the miserable state of damnation in which he finds himself; but this must always be done with the greatest charity. Nevertheless, it is more fitting to use more serious words at that time, so that he may better return to a good state of mind; nevertheless, he must ensure that the penitent understands that what is said to him does not proceed from an angry spirit, but from a singular love and compassion for his soul. This can be expressed in this way: "My son, do you consider the life of the damned that you have led? Do you perceive the evil that you have done? What evil has your God ever done to you, whom you have so wickedly despised? If Jesus Christ had been no enemy to you, could you have behaved worse with him? But I beg you, consider who this Jesus is. He is the one who, being God, needing nothing, became man for your sake: He willed to die on the cross, in order to redeem you from hell. Ah, son, if you were to die now, if in this night, as you were about to go? Where would you be now? You would be in the eternal fire of hell. What would become of you if you were to continue to live the life you have led so far?"

[*Latin ed. p. 14*]

Thus, can one be saved? Awake, and see that unless you change your ways for the better, you are already condemned. What good have you gained from so many sins? Do you not consider that you are preparing a double torment for yourself, one here of anguish and misery, the other there of punishments? Come, my child, turn away from evil, cease to sin, and entrust your whole self to the arms of God, which are extended to receive you; it is enough that you have sinned so much. I want to help you with all my strength and with all my heart; come to me whenever you wish, for you will find a Father who will receive you with kindness. Therefore, firmly resolve now to become holy. Stand firm; for God is always ready, and this time has been given to you so that you may turn away from evil and do good. Oh, how good it is to have God as a friend! etc. (St. Francis de Sales, in order to draw sinners to himself, especially took care that they should realize the peace that those who adhere to God enjoy, and the

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unhappy life that is led by those who are alienated from God). Afterwards, he will help him to form a resolution to do penance, and if he is disposed, he will absolve him; and he will suggest salutary remedies by which he may be able to keep himself from sin, and he will impose penance upon him (but these matters will be discussed in the following section). But if he is incapable of absolution, or if it seems advisable to postpone absolution, he will assign him a day on which he must return, saying to him thus: "Brothers! I expect you on that day, do not fail to return to me; be strong and courageous, as I have told you; commend yourself daily to the Blessed Virgin, and come to me. If, perhaps, you find me hearing the confessions of others at that time, approach, for I will hear you before others: If I am elsewhere, make arrangements for me to be summoned, I will abandon everything so that you may confess." And thus, he will dismiss him with kind words. This is the way in which sinners can be saved, namely, by dealing with them with as much charity as possible; otherwise, if they enter the confessional and encounter someone who treats them harshly, they will be horrified by confession, they will neglect their duties, and they will rush headlong into perdition.

§ II. Concerning the duties of a physician (1).

6. To the confessor, in order that he may provide suitable remedies for the infirmities of his penitent, it is necessary to know the origin and cause of all things (1). To which prudence pertains. Hom. ap. tr. 21, n. 1. Edit.

[*Latin ed. p. 15*]

Concerning the spiritual maladies of the penitent. Some confessors, besides the species and number of sins, inquire about nothing else. If they see a penitent properly disposed, they immediately absolve him; otherwise, without uttering a single word, they dismiss him, saying with a stern look: "Depart from me, for I cannot absolve you." Good confessors proceed differently; they first begin to investigate the origin and gravity of the illness, asking about the habit of sinning, about occasions, about the time, about the place, about the people with whom, and about the circumstances in which these things occur. Thus, they can better correct the penitent, prepare him for absolution, and add salutary remedies.

7. After these questions have been asked, and the origin and gravity of the illness are known, the confessor proceeds to make the necessary admonitions. And although he, like a father, ought to listen to the penitent with charity, yet, as a physician, he is bound (as far as necessary) to warn and correct him, especially those who, burdened with many mortal sins, rarely approach the Sacrament of Penance. And he must fulfill this duty even if the penitent possesses some notable quality, namely, if he is a magistrate, a prince, a priest, a pastor, or a prelate, if he accuses himself of something without excessive sensitivity (1).

The Most Holy Pope Benedict XIV says (in the Bull, Apostolic, § 12):

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"The admonitions of confessors are more effective than the sermons themselves; and rightly so, because the preacher is unaware of the particular circumstances, which are clearly known to the confessor, and therefore he can better make the necessary admonitions and apply the remedies that are beneficial for the illnesses."

Nor should the confessor attend to other penitents who are present, for, as St. Francis Xavier said (Tursell, in vita, book 6, chapter 17), "It is better to hear the confessions of a few properly made, than the confessions of many in an unseemly manner, and without benefit."

It should be noted how badly those confessors act who, if they find a penitent who is not properly disposed, do not waste any time on him, but immediately order him to leave. Therefore, such confessors should know the valid reasons of those doctors (book 6, no. 608, see "Here, Take Note"), who wish to persevere with all their strength.

(1) "For such corrections should be made with milder and more discreet words, but with greater strength of mind and zeal, because the license to sin is often more pernicious to others because of the greater harm that can be caused by the bad example of such sins." Hom. qp. tr. 21, no. 4, Edit.

[*Latin ed. p. 16*]

When hearing the confession of a penitent, even if he arrives in a state of unpreparedness, the confessor should strive to prepare him for absolution; for example, by pointing out to him the greatest injury he inflicts upon God through his sins, the imminent danger of his damnation, etc. And it matters little what others may expect, or whether they depart unconfessed; for the confessor is only accountable for that which is confessed to him, and not for others, nor on the day of judgment.

8. Furthermore, the confessor is obligated to admonish the penitent concerning any culpable ignorance he may possess, whether it pertains to natural law or to positive law. If, however, the penitent is held by an invincible ignorance, and if that ignorance concerns matters necessary for salvation, the confessor must remove him from that ignorance; if it concerns other matters, about which invincible ignorance can arise, even if they pertain to divine law, and if the confessor prudently believes that admonition would not be beneficial to the penitent, then he should abstain from admonition, and leave the penitent in his good faith. On this point, the more rigorous doctors are in agreement; the reason is that greater care must be taken to avoid the danger of a formal sin than of a material sin, because God only punishes formally; indeed, He does so only when it is done with malice aforethought; this is clearly demonstrated in the *Opera Moralia* (lib. 6, no. 610), by the common opinion of the doctors, with only a few exceptions. On this matter, it is also stated (lib. 6, no. 611) that if someone has contracted a marriage that is invalid due to some hidden impediment, and remains in good faith, and is exposed to the danger of infamy, scandal, or incontinence,

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if the nullity of the marriage were to be revealed, then the confessor should leave him in his good faith, until he obtains a dispensation from the sacred penitentiary. However, in this case, namely, when the person is living in good faith, the doctors say (Ibid.) that the confessor should also obligate him to do this, by saying in general that spouses are bound to fulfill their duties to each other.

How, however, should the confessor act towards those who are about to contract a marriage that is null, and for whom a prudent fear of formal sin or scandal exists, if its nullity were to be revealed? The resolutions written in the *Opera* should be noted (lib. 6, no. 643), where it is clearly demonstrated that it is the common opinion, and that it is a safe course of action, for the Bishop to grant a dispensation in such cases.

[*Latin ed. p. 17*]

With the mind, standing as it does in urgent necessity. And if access to the Bishop were also difficult, and it were in no way possible to avoid a most serious danger of infamy or scandal, we have stated (d. n. 615, in fine) the opinion of the Author (Instruct. pro novis Confess. p. 2, n. 32, from Ronc. Surd. et Pignat. t. 3, consult. 33, n. 5) who holds that it is not improbable, indeed, that in practice, a parish priest, or another confessor, may declare that the law imposing the impediment does not then bind, and ceases to be in effect, since it is more harmful than useful. But observe what is said more fully in the cited passage. Thus, also, the correction regarding restitution to be made should be omitted, if it is certainly foreseen that the penitent, who is now in good faith, will not obey the admonition. 9. Nevertheless, the following cases are to be excepted: I. If, from the very nature of the case, damage would result contrary to the common good (l. 6, n. 615), because then the confessor, since he himself is constituted a minister for the good of the republic, is bound to prefer the public good to the private good of the penitent, even if he foresees that the correction will not be beneficial to him. On this matter, superiors, magistrates, confessors, parish priests, and prelates, who are negligent in their duty, must be warned; because their negligence, even if invincible, will always be harmful to the community, while others may think that they are permitted to do what they see being done with impunity by their superiors. And, as taught by the Most Holy Pope Benedict XIV (Bulla, Apostolica, S. 20), the confessor must act in the same way with those who frequent the sacraments, so that what is licit may not be judged by others to be permissible, when it is observed that it is practiced by them with impunity. II. If the penitent had asked, because then the confessor would be bound to reveal the truth (l. 6, n. 616); in this case, the ignorance would not be entirely invincible, as is required in order that the admonition may be omitted. III. If the penitent would soon be willing to obey the admonition, even if he does not acquiesce at the beginning (Ibid. v. Excipiendum III). What, however, should be done in the case of

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doubt, whether the correction will be beneficial or harmful? See in the Works (Ibid. v. Utrim autem.) 40. After the due corrections, or admonitions, it is fitting to strive to dispose the penitent to absolution through acts of true sorrow and purpose; therefore, I wish to warn confessors that there are very few penitents, especially the uneducated, who approach confession with a sincere act of sorrow. Some confessors believe that they have fully performed their duty if they—

[*Latin ed. p. 18*]

Such penitents are questioned in the following manner: Do you ask forgiveness from God for all these things? (which is truly not a genuine act of sorrow?) Are you truly sorry for all your sins? And without any other words intervening, absolution is granted to them. This is entirely different from the practice of good confessors; for they first strive to instill in the penitents (speaking of those who are bound by mortal sin) true sorrow and detestation of sins. And they first prepare them through the act of attrition, for example: "My son, where should you now be for all eternity? In hell? Ah, there you would be tormented forever! And you would have no hope of ever escaping from there! There you would remain, abandoned by all, rejected by God for all eternity! Therefore, are you truly sorry that you have offended God, because of the hell you have deserved?" It must be noted that the act of attrition is not accomplished if someone says that they are sorry for the sin committed, because they deserve hell, but rather, they must say that they are sorry for having offended God, for which they deserve hell. Afterwards, care is taken to elicit the act of contrition in this way: "My son, what have you done? You have sinned against God, the supreme and infinite good: you have shown no regard for Him. You have turned your face away from Him: you have cast Him behind your back: you have despised His friendship and His grace. Therefore, because you have offended God, the source of infinite goodness, are you now truly sorry from the bottom of your heart? Detest and hate all the evils and all the injuries, by which you have unjustly offended God, who is so good. Are you not now ready to die a thousand times, rather than commit these things again in the future?" It should be noted here 1. that if a penitent, having received absolution, confesses another sin immediately afterwards, so as to be absolved again, a new act of sorrow must be elicited from him, since a new judgment is then made (l. 6, n. 448). It should be noted 2. that it is probable among many doctors (l.c. n. 445), that for confession to be sacramental, it must be informed by new sorrow; therefore, when someone confesses without a prior act of sorrow, it is not sufficient (when considering the value of the Sacrament) if sorrow is elicited at the end of the confession, but rather, it is required that, after the sorrow has been elicited, the confession be repeated, at least by saying: "I accuse myself of all those things which I have just confessed" (1). (1) The reader should consult the cited book 6, n. 445, and

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see how the two different opinions on this matter are reconciled.

[*Latin ed. p. 19*]

11. It is incumbent upon the confessor to apply those remedies which he judges most suitable for the salvation of the penitent, by imposing upon him those satisfactions which are more appropriate to his particular sin, and those which he prudently believes the penitent will actually perform. It should be noted that, although the satisfactions ought to correspond to the guilt, according to the Council of Trent (Session 14, chapter 8), which declares that confessors are sharers in the sins of others, when they prescribe very light penances for very grave offenses; nevertheless, for just reasons, the confessor can diminish the penances, if, for example, the penitent is deeply affected by compunction, or if the time for jubilees or plenary indulgences has arrived, and especially if he is suffering from some infirmity, whether of the body or of the soul. And finally (so that I may be brief), it is always and whenever prudent fear arises that the penitent will not fulfill the satisfaction that corresponds to his guilt. This is commonly taught by the Doctors, along with St. Thomas (book 6, chapter 509). We do not deny that in the Council of Trent (Session 14, chapter 8) it is stated that satisfactions are to be prescribed according to the measure of the guilt; but we also know that it is added there that these satisfactions ought to be salutary for the penitents, and suitable. Salutary, namely, useful for the salvation of the penitents; and suitable, that is, corresponding not only to the guilt, but also to the strength of the penitent. Therefore, those satisfactions are neither salutary nor suitable which are not equal to the strength of the penitent, considering his spiritual weakness; for then they would be poison rather than a remedy. And in this sacrament, moderation of life is more important than all kinds of satisfaction; and the Roman Ritual (De Sacr. Pænit.) also says that the confessor should take account of the penitent. St. Thomas (Supplement, question 18, article 4) says: Just as a physician does not give a medicine so powerful that, because of the weakness of the body, a greater danger arises; so too, the priest, moved by divine inspiration, does not always impose the entire penalty that is due for a particular sin, lest the sick person despair and completely abandon penance. And elsewhere (Quodlibet 5, article 28): Just as a small fire is extinguished if too much wood is piled upon it; so it can happen that the small affection of the penitent's contrition is overwhelmed by the weight of the penance. And he adds: It is better for the priest to indicate to the penitent how much penance would be prescribed, and nevertheless to impose only what the penitent can bear. And elsewhere (Opusc. 64, § 4): It is safer to impose a lesser penance on a Christian than a greater one, because we are better

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excused.

[*Latin ed. p. 20*]

Relying on God because of His great mercy, and not through excessive severity, because such a deficiency will be made up for in Purgatory. And this is taught by Gerson, Cajetan, and especially St. Antoninus, who (see book 6, sections 509 and 510) states that penance should be assigned which the penitent is judged to be able to perform, and which he will readily accept. And if the penitent protests that he does not have the strength to fulfill the assigned penance, then St. the Archbishop concludes: Then, whatever his fault, he should not be dismissed without absolution, lest he despair. For then (he says) it suffices to impose a general penance, namely, all that he has done well, using the very words of the Ritual: "Whatever good you have done, etc." And these works, as Angelicus teaches (Quodlib. 3, article 28), because they are commanded in the Sacrament, have greater value in satisfying for sins, by virtue of the same Sacrament. Furthermore, many doctors probably add (book 6, section 510, see also the same) that there is a just reason for diminishing the penance, if the penitent is judged to be more inclined to the Sacrament by this means. Oh, how valuable is the wise counsel of St. Thomas of Villanova (Sermon for the 6th Sunday after Easter): "Assign an easy one, and advise a more severe one." It is also beneficial for the penitent to know the penance that he deserves; therefore, it can be very helpful if the canons of penance are indicated (of which the more notable are noted in book 6, section 550). It will also be helpful (as St. Thomas of Villanova says) to suggest a more severe penance; and then, to impose the one that he prudently judges the penitent to be able to fulfill. St. Francis de Sales (Instructions for Confessors, chapter 8) suggests, and the Parisian Ritual confirms (book 6, section 509, near the end), that it is beneficial to ask the penitent if he has sufficient strength to perform the assigned penance; otherwise, it will be changed to another. It will also sometimes be helpful, among the assigned works of satisfaction, to impose some severe satisfaction, but not under a severe penalty (book 6, section 518), or some other work prescribed from elsewhere, or a debt (section 513). 12. From what has been said, it is clear how imprudently some confessors act, who impose satisfactions on penitents that are beyond their strength. How many of these hesitate to absolve those who have relapsed and are unprepared, and those who are in the very near occasion of sin; and how foolishly they think they are recovering them, if they dismiss those burdened with severe penances imposed by them, even though they foresee that they will not be able to fulfill them; for example, in-

[*Latin ed. p. 21*]

They impose upon those who have scarcely confessed once in the year, that they should attend Mass on every eighth day of the year; fifteen

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decades of the Rosary to be recited daily upon those who have not even been accustomed to recite five; disciplines, mental prayer, upon those who have never even heard of such things. And what will result from this? It will result that, although unwilling, they will accept what is imposed upon them, in order to obtain absolution; nevertheless, afterwards, they will not fulfill any of these things; and believing themselves to have again fallen into sin, nay, thinking (especially the uneducated) that the confession made was of no consequence, because they have not fulfilled the penance imposed, they return to their former way of living in sin; and terrified by the weight of the imposed penance, they shrink from confession, and thus continue to grow worse in their sins. And here is the fruit that is gathered to the ruin of so many poor souls, from such satisfactions, which are called suitable, but which would better be called most unsuitable.

13. Furthermore, apart from cases of infirmity and extraordinary compunction, it would not be well for the confessor to add a light penance, which would impose a light obligation, for grievous sins; for, although (when it is expedient) a work may be added which is light in proportion to the sins, nevertheless, a serious penance must always be imposed, which obligates under a serious obligation. And here it is necessary to note some things pertinent to the practice of imposing penances.

I. When the penitent has forgotten the penance, it is the common opinion (Lib. 6, n. 520) that he is no longer bound by it, unless it is easily fulfilled, so that he can be reminded by the confessor who imposed it.

II. A public penance cannot be imposed for hidden sins; but the confessor is bound to impose it, if another way cannot be found to repair the scandal given, or the public dishonor of someone. But the penitent is not to be forced to do a public penance, if he refuses, and can repair the scandal in another way, namely, by frequenting the Sacraments, visiting churches, joining a congregation, etc. (l.c. n. 542).

III. Sometimes a penance can be imposed under the condition that the penitent relapses (l.c. n. 524). But it must be noted that such penances are often not successful, especially if they are to last for a long time; because afterwards, in a relapse, they are easily neglected, and sins are multiplied.

IV. If ever the penitent... (The passage is incomplete).

[*Latin ed. p. 22*]

From another confessor, he may request that a penance be imposed; many doctors believe that it should be the entire penance that was originally given by this confessor, at least in general terms, so that the state of his conscience may be made known to this confessor. But many others also state, with good reason (l. c. n. 529), that this is not necessary, since it is sufficient that the confessor make a judgment, and that the penitent's strength is insufficient to bear the burden of the penance; on

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the contrary, he may be able to discern from the very penance imposed the matter of the sins for which it was prescribed, and thus direct himself, either by changing or diminishing it. And the confessor can probably accomplish this himself (Ibid. in fin.), since he foresees that the penitent will likely continue to neglect the penance, as before. However, it is not permitted to a lower confessor to change a penance imposed by a superior, except in cases where the penitent would find it difficult to return to the superior, and on the other hand, there is a serious reason why the penance should be changed, because then it is reasonably presumed that the superior would agree (Dictum n. 529). V. The penance cannot be changed outside of confession, not even by the confessor himself; this can only be done by him immediately after the absolution is given, and before the penitent leaves the confessional (Dictum n. 529. Dub. 5.). 14. Regarding particular acts of penance to be imposed, it should be noted that the penance should not only be medicinal, but also satisfying for past sins. The rules require that acts of mortification of the flesh be imposed for sensual sins, almsgiving for sins of avarice, prayer for blasphemies, etc. But it must be considered what is more expedient, or more useful for the penitent. Although it is very useful to impose frequentation of the Sacraments, mental prayer, and almsgiving, it is known that these can be harmful to those who have had little or no experience with them. Generally, the following acts of penance are useful for all: to join a religious congregation; to perform an act of contrition each evening (at least for a time), and to renew the intention each morning, saying with St. Philip Neri: "Lord, do not take away your hand from me today, lest I become a traitor"; to visit the Blessed Sacrament daily, and also the image of the most holy Mary, asking for the grace of perseverance; to say at least one third of the Rosary, and three times the Angelic Salutation in the morning and evening.

[*Latin ed. p. 23*]

"Mother, help me today, lest I sin against God." (However, I am usually accustomed to enjoin, or at least to advise, those who do not use it, to recite this penitential prayer three times, along with the aforementioned supplication.) When lying down in bed, say: "It should have been in this bed that I should have died," or say: "The day will come when I must die in this bed." For those who know how to read, and especially for clerics, it is fitting to read daily some book on spiritual matters. Saint Francis de Sales (Instruction for Confessors, chapter 8) observes that the penitent should not be burdened with too many things, lest he become disheartened and terrified.

45. Regarding the remedies that should be suggested to penitents, I say that some are general, while others are particular, suited to a specific vice. The general remedies that should be suggested to all are: 1. Love for God,

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since He created us for this purpose alone. Furthermore, it is fitting that the penitent should understand the inner peace that is given to those who enjoy the friendship of God, and the hell that those who are estranged from God experience prematurely, along with the temporal ruin that sin brings with it. 2. To commend oneself frequently to the Blessed Virgin, by reciting the Rosary, to commend oneself to the Guardian Angel, and to a particular patron saint. 3. Frequent reception of the sacraments, and if one should ever fall into a mortal sin, to confess immediately. 4. Consideration of eternal truths, and above all, consideration of death; and for heads of families, it is fitting to have daily mental prayer in common with the family, or at least to recite the Rosary together with their children. 5. Awareness of God's presence, when tempted, by saying: "God sees me." 6. To examine one's conscience each evening, with sorrow of heart and purpose. 7. Regarding secular matters, to join some congregation, and for priests, mental prayer and thanksgiving after Mass; and to read at least a small spiritual book before and after Mass.

46. Particular remedies will be assigned according to the diversity of vices. For example, to those who are held by some hatred, it should be suggested that they commend daily to God the person they hate, by reciting the Our Father, the Angelic Salutation, and the Apostles' Creed for that person, and when they feel themselves disturbed by the memory of the injury inflicted upon them, they should remember the insults with which they themselves have offended God. To those who have fallen into the sin of impurity, it should be suggested that they avoid idleness, and...

[*Latin ed. p. 24*]

Let him avoid companions and occasions; and those who have contracted a bad habit through a long time in this vice, must not only avoid immediate occasions, but also certain more remote ones, which, being so weak in resisting, become almost immediate for them. To this person, it must be especially impressed that he never cease to recite the Angelic Salutation three times in honor of the purity of the most blessed Virgin, morning and evening, always renewing before her image the purpose of not sinning, and the supplication that he may obtain perseverance. Above all, let the confessor take care that he frequently receive Holy Communion, since the Eucharist is said to make virgins grow. To those who are accustomed to utter blasphemies, let it be suggested that they sign themselves with the cross nine times, or five times, with their finger upon the earth, and that they say daily at least once the Our Father, and the Angelic Salutation in honor of the Saints into whom they have blasphemed; and that every morning, as he rises from his bed, he renew the purpose of patiently enduring occasions of indignation, and that he say three times to the B. Virgin every morning: "My Lady, grant me patience." This will not only serve to obtain the protection of the most holy Mary, but also to find

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that he is accustomed to say these very words in occasions. Or, let him become accustomed to saying: "Cursed be my sin; cursed be the demon," etc. The confessor will assign other remedies according to his prudence, considering the circumstances of occasions, persons, and duties.

§ III. Concerning the office of a doctor (1). 17. The priest shall keep the knowledge, and shall inquire the law from his mouth (Malachi 2:7). It is necessary for the confessor, in order to properly perform his office as a doctor, that he know the law well; for he who is ignorant of it cannot teach others. But it must be noted here what St. Gregory writes, namely, that the office of guiding souls through the way of eternal salvation is the art of arts: "Ars artium regimen animarum." And St. Francis de Sales said that the office of hearing confessions is the greatest and most difficult of all. Indeed, it is the greatest, because it is the foundation of all (1).

(1) To which the knowledge of the law pertains.

[*Latin ed. p. 25*]

The ultimate aim of the sciences should be nothing other than eternal salvation; and this is exceedingly difficult, firstly because the duties of a confessor require knowledge of all sciences, all offices, and all arts; secondly, because the science of moral theology encompasses so many diverse subjects; thirdly, because it largely consists of so many positive laws and sacred canons, the understanding of which must be obtained according to their true meaning. Furthermore, each of these laws becomes difficult when considered in relation to the circumstances, which create dissimilar cases, requiring varied resolutions. Some, who boast of being learned and great theologians, disdain even to glance at moralists, whom they call "casuists" (a term of reproach among themselves). They claim that it is sufficient, in order to properly hear confessions, to know the general principles of moral theology; for they assert that all particular cases can be resolved by these. Who can deny that all particular cases are to be resolved by these principles? But the entire work, and the entire labor, lies in adapting such principles to particular cases, which are entangled by so many different circumstances, and in discerning what principle is appropriate when circumstances occur. This is what moralists accomplish when they elaborate in explaining from which principles many particular cases should be resolved. Furthermore, in our time, as has been said, there are so many positive laws, so many bulls, so many decrees, which cannot be known unless casuists are read, who have collected them, and as the variety of subjects demands, they are found there appropriately; therefore, the more recent these moralists are, the more useful they are to those dealing with older matters. Justly, the author of the Instructions for new confessors (Part 1, 18) affirms that many theologians, however profound in speculative sciences, are the more ignorant in moral sciences, which, as Gerson writes (Tract. de Orat.), are the most difficult of all, and that no one is so learned, however versed in

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them, to whom new things do not occur daily; from which he infers that a confessor should never abandon the study of moral theology. The most learned Sperelli (De Episc. p. 5, c. 4) also says that confessors greatly err who devote themselves entirely to scholastic studies, considering the time spent on moral matters to be wasted; and afterwards, they do not know how to distinguish between leprosy and leprosy; this error, he adds.

[*Latin ed. p. 26*]

Confessors, both simultaneously, draw penitents to eternal perdition (1). 18. We do not deny that a lesser degree of knowledge is required in hearing the confessions of simple folk and rural inhabitants, than of courtiers, merchants, and ecclesiastics, and the like. Also, a lesser degree of knowledge is required to hear confessions in a town, than in a city; and especially if, somewhere, there is such a lack of confessors, that penitents ought either to abstain from confession for a long time, or to travel elsewhere (l. 6. n. 628). But this is not sufficient to excuse some confessors, who, having read some brief moral summary, rashly undertake to hear confessions. At the very least, the confessor must know the extent of his jurisdiction. Let everyone understand that secular and regular priests of another Order cannot hear the confessions of religious, without the permission of their superiors; except in cases where they are traveling, or are dying elsewhere, and have no companion, or another suitable priest of the same religion. And then, religious can be absolved by any suitable priest, provided that their superiors, by granting permission to these subordinates, intend to give it according to custom, namely, to confess to any suitable priest (Lib. 6. n. 573). Also, every confessor must know the cases and censures reserved, at least those into which one frequently falls, such as papal excommunications which are in the *bulla* Cænæ, heresy external, the reading, retention, or sale of books of heretics, which expressly treat of religion, or contain formal heresy; also, the five papal cases of Clement VIII, which are: grievous or moderate assault upon a cleric or monk, real or confidential simony, violation of the enclosure of nuns for a wicked purpose, violation of ecclesiastical immunity, and dueling; also, the excommunications issued by Pope Benedict XIV, against those who are accomplices in scandalous matters (Lib. 6. n. 533), and in those cases, the name of the accomplice can be inquired of by the confessor, even by denying sacramental absolution (1).

"Therefore, he sins gravely, without doubt, who, not being sufficiently instructed, dares to hear confessions: the bishop who approves him; and also the penitent, who knows and confesses his ignorance to him." *Homo Apostolicus*, tr. 16, n. 99.

[*Latin ed. p. 27*]

I. He must know the laws concerning absolution, and if he refuses to reveal them (loc. cit. n. 491.), and other excommunications which can be ob-

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served in the treatise on censures. II. He must know how to distinguish between venial and mortal sin, at least in their general nature, and concerning other matters, he must know how to doubt. III. He must know the questions which he ought to ask, at least concerning the circumstances of sins which change their nature: what constitutes a proximate occasion, what imposes the obligation of restitution; also, what kind of sorrow and purpose must be present, and finally, the remedies most effective for amendment. And to be brief, I affirm that the confessor is in a state of damnation who exposes himself to hearing confessions without sufficient knowledge. God Himself reproves him with these words: "My people have been silent, because they had no knowledge: because thou hast rejected knowledge, I will reject thee, that thou shalt not do the office of priesthood to me: and thou hast forgotten the law of thy God, I also will forget thy children." (Hosea, chapter 4, verse 6). Nor will the approval of the Bishop excuse him if he manifestly knows himself to be unfit; for approval does not impart the necessary knowledge, but presupposes it. I say manifestly, that he who only doubts can, indeed ought, to rest in the judgment of his superior, provided he strives to make himself worthy through more diligent study. But no confessor should neglect the study of moral theology, because, of the many and diverse things that belong to this science, many things, although read, are forgotten over time, because they occur less frequently; therefore, it is necessary always to recall them to memory through frequent study. § IV. Concerning the Office of a Judge (1). 49. LASTLY, the office of a confessor is that of a judge, and this means that, just as a judge is bound to first know the reasons, then to examine the points of the case, and then to pronounce judgment: so too, the confessor must first become aware of the conscience of the penitent, then examine his disposition, and then grant or deny absolution. And with regard to the first duty, which is to know the sins of the penitent, although the duty of examining the conscience is paramount for the penitent, nevertheless... (the text continues with further discussion, but the provided excerpt ends here).

[*Latin ed. p. 28*]

(practice, p. 55.) If they have said this, there is no doubt that if the confessor knows that the penitent has not sufficiently examined his conscience, he is obligated to question him, first about the sins in which he might have possibly fallen, and then about their species and number, as is proven from c. Omnis utriusque sexis, in the book on Penance, and from the Roman Ritual (see book 6, no. 607).

20. And here, many things are to be noted: I. It is wrong for those to dismiss the penitent without a thorough examination, so that he may better examine himself. This, as Father Segneri says (Confess. Inst. c. 2), is an intolerable error, and rightly so: because such people, as much as they strive, will find it difficult to examine themselves, as is fitting, and with

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such precision as the confessor can examine them. On the contrary, if they are dismissed, there is a danger that, frightened by the difficulty of examining themselves, they will be deterred from confessing, and will become hardened in their sins (ibid. See also). Therefore, the confessor should himself inquire about sins from such penitents, questioning them according to the order of the precepts, especially if they are servants, coachmen, muleteers, soldiers, guards, innkeepers, and others of this kind, who often lead lives negligent of eternal salvation, and ignorant of divine things, far from sermons and churches. And it would be a worse error if someone were dismissed without a thorough examination, who had previously, out of shame, omitted some sin, even if the confessions of many years were to be repeated, because of the greater danger that is then present, namely, that if he does not return, he will perish (Ibidem).

However, the confessor should nevertheless take care not to question them so minutely; he should only ask about sins in which they can easily fall, considering their condition and capacity; but if the penitent, even if uninstructed, seems sufficiently instructed, and diligent in confessing sins with their circumstances, according to his state and capacity (for he is obligated to examine himself in a different way, being instructed, and in a different way, being uninstructed), then the confessor is obligated to ask nothing else (Ibidem).

II. It should be noted that it is better if the confessor examines the sins one by one as soon as the penitent recounts them, rather than postponing the examination until the end; because either the confessor easily forgets what he has heard, or the penitent would be obligated, with his heavy burden, to repeat what he has confessed (Ibid.).

III. It is wrong for confessors to want to make a certain judgment about the quality of a sin, whether it is grave or light, by asking these uninstructed people whether they considered it to be a mortal sin.

[*Latin ed. p. 29*]

Concerning venial sins; for they often answer as the *casus* suggests to them; and this we witness through experience (as I have observed many times). And if the confessor asks again a little later, they answer in a way entirely different from the first time. IV. Regarding the number of sins, of which some are held by a wicked habit, when a certain number cannot be ascertained, the confessor should take care to know the state of the penitent, namely, their manner of living, the application they give to other affairs, the time spent in the company of a partner, the place where they mostly reside; and then he should ask about the number, asking the penitent how many times approximately they have sinned in a day, or in a week, or in a month, proposing to them several numbers, for example, three or four times, eight or ten times, in order to see to which number they are more inclined. And if the penitent adheres to a larger number, it will be best if they are asked

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again about a larger number. But in this, the confessor should take care not to form a certain judgment about the number; he should note the frequency in general, and should make a confused judgment, apprehending all the sins that are before God. Some doctors say that concerning internal sins of habit, such as sins of hatred, wicked pleasures, and desires, it is usually sufficient to ask about the time during which the wicked habit lasted; but this does not satisfy me at all, because it is possible that someone is more intent on external affairs, or lives in a place where they have fewer opportunities for wicked thoughts; another may be more attracted by a different passion: therefore, it is necessary to use general questions about their own application, about the place, about the inclination of their mind, etc., in order to form a judgment of greater or lesser frequency of internal acts. Furthermore, after two or three questions, the confessor should not be distressed if the judgment he makes seems to him to be too confused; for from involved and confused consciences, it is morally impossible to expect greater clarity. V. It must be noted that, although general confessions are very useful, nevertheless, the confessor should not be too strict in insisting that already made confessions be repeated (Lib. 6, n. 505). Hence, Father Segneri says that there is no obligation to repeat confessions, unless in a case of manifest necessity, and in which there is obvious error. And relapses are not certain indications that no confessions were made, especially if they have not relapsed for some time, or if, before...

[*Latin ed. p. 30*]

If he should fall, he should have exerted some effort. However, another judgment is due if the penitent frequently falls, namely, within two or three days after confession, without resisting temptation in any way; for then it appears that there is a morally certain lack of sorrow and purpose.

CHAPTER II. Concerning the questions to be asked of uninstructed penitents.

21. Let my reader not expect me to speak here of all the doctrines pertaining to the precepts of God and the Church, as far as they are permitted or prohibited, for enough has already been said about these in the Moral Work. Here, I will only note the questions that confessors should generally ask of uninstructed penitents, who are judged to have not sufficiently examined their own conscience; and a few other things that should be especially noted, which are treated practically, rather than speculatively.

22. Regarding the First Precept, ask the penitent whether he understands the mysteries of the faith; for if he is ignorant of the four principal mysteries, namely, that God exists, that He is the rewarder of good and evil, the mysteries of the Most Holy Trinity and the Incarnation, and the death of Jesus Christ, he will be incapable of absolution, according to proposition 64, promulgated by Innocent XI. Also, ask whether he knows the Creed, the precepts of the Decalogue, the sacraments, etc., at least in substance. But

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here, that famous and learned Missionary, Father Leonard of Port Maurice, rightly observes in his mystical and moral Discourse, no. 26, that confessors should instruct uninstructed penitents in the mysteries of the faith, at least in the four principal ones; therefore, he adds as follows: It is not good to dismiss similar ignorant individuals, so that they may be taught these things by others, because no other fruit is expected from them, except that they remain ignorant; therefore, it is expedient to briefly teach them the aforementioned principal mysteries, and also to strive to bring about acts of Faith, Hope, Charity, and Contrition in them, obliging them, however, to make an effort to be perfectly instructed about the other necessary mysteries of the faith. And the same author, speaking of those who, living in cities, neglect their own salvation,

[*Latin ed. p. 31*]

Those who are ashamed and offended by being questioned about these matters, does it befit the confessor to say to them in this way? Let us elicit these things, and at the same time, Christian actions, by saying to them: "My God, because you are the infallible Truth, and because you have revealed the holy Church, I believe whatever the holy Church teaches me to believe; I especially believe that you are one God, and three Persons; I believe that the Son, when he was God, made man, died on the cross, rose again, and ascended into heaven, and that he will come again to judge all things, so that the good may enjoy the glory of paradise, and the wicked may be tormented in eternal fire." Furthermore, it must be noted what Benedict XIV says in Constitution 42, on Christian Doctrine, § 12 (see in Bullarium), namely, that absolution must be denied to a penitent who has culpably neglected to learn the necessary matters of faith, both concerning the means and the precepts. But concerning the precepts, he says that the ignorant may be absolved, if they truly promise to learn, with these words: "In such a case, the penitent can be absolved, if he acknowledges himself to be guilty of this vincible ignorance, and promises to take care to learn what is necessary concerning the precepts." 2. Has he practiced superstitions, or taught others, and if he has used the ministry of others, whom he has led to cooperate in his sin? Therefore, he must admonish the uneducated that superstitions are never permissible, even if they are done out of charity, or in necessity. What actions are, or are not, superstitions, see in the Opera (book 4, no. 3). 5. Has he ever, out of shame, concealed any sin in confession? And with this question, the confessor should take great care to inquire of the uneducated and young women, who rarely attend the sacraments, saying to them: "Perhaps some scruple from your past life is troubling you; take care now to confess well, say everything freely, do not be afraid, cast away all scruples from your soul, etc." With this question, a certain diligent worker said that he had freed many souls from sacrilegious confessions. If, however, it is found that such sacrileges have already been committed, in

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order to determine the number, he should ask how many times, within this time, since he ceased to sin, he has confessed and received communion? And if, whenever he confessed or received communion, he was aware of the sacrilege? It sometimes happens that some confess sacrileges, especially in childhood, and afterwards forget them; these are not required to repeat confessions made in ignorance. Also, he should ask whether they knew that such confessions were...

[*Latin ed. p. 32*]

Whether, through fasting, and even through Holy Communion, they have transgressed the Paschal precept? It is, however, fitting that this question concerning sacrileges be asked at the beginning of confession, so that, if it is asked later, and a sacrilege is discovered to have already been committed, time will not be wasted uselessly in repeating the confession, which may be no different from the previous one. It is necessary, however, to take care that those who have concealed their sins may understand how great a sin it is to trample underfoot the Blood of Jesus Christ.

4. Ask if they have made satisfaction for their penance. And if they have omitted it, whether this happened through forgetfulness, or because they were unwilling to fulfill it, or because they postponed doing it, or in order to have it changed? And if, during that delay, they thought they were sinning?

5. Concerning scandals, whether they have led others to sin, or whether they have abused the ministry of others to commit sin? Whether they have cooperated in the sins of others? Ask the sacristans whether they have served wine to those who are accustomed to become intoxicated (l. 3, n. 69). Ask women whether, through improper words, jokes, dances, laughter, or by staring intently at someone, or by wearing a dress that is too revealing, or with an open neckline, they have incited men to bad thoughts? Whether they have received gifts from others with the intention of using them for evil purposes?

25. Concerning this very matter of scandal, one may also ask whether the penitent has cooperated in the sin of another; but the confessor must be very skilled in this, so that he may discern when the cooperation is formal, and when it is material. Formal cooperation is when one cooperates in the actual sin of another, as happens in fornication, or when one cooperates in the evil will of another, as when one shelters a thief, which is commonly called "guardar le spalle." Material cooperation, on the other hand, is when one offers one's services to an act of another, being indifferent to the person who abuses it for an evil purpose, such as providing wine to someone who wants to become intoxicated; and this can be licit, when there is a just and proportionate reason for the cooperation. This point, which is of great importance and requires much consideration, has been a considerable labor for me, as the matter demanded; therefore, let the reasons and resolutions contained in the work (Lib. 3, n. 63, v. Ad distinguendum, and l. 4, n. 571)

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be observed.

24. Concerning the Second Commandment, ask about perjuries, broken vows, and blasphemies. Regarding perjuries, ask the penitent whether they have sworn falsely, and whether this was done in court, or outside of it, because by perjuring themselves in court, they also harm justice, for which reason...

[*Latin ed. p. 33*]

1. Sometimes, one will be obligated either to retract [the oath] or to make amends for the damage. 2. He will inquire about the manner in which the oath was sworn: whether it was by God, by the Saints, or by the soul; for if he swore by conscience, or by faith, unless he added the holy faith or that of Christ, he can most probably be excused from perjury (l. 4, n. 155). It should be noted here that many uneducated people do not understand that perjuring oneself by the Saints, when no other's damage is involved, is a grave sin. And often, when angry with children or servants, they say, "By God, by the Saints, by Christ, I will kill you if you do this again," and they do not understand that they are then perjuring themselves, even if they do not intend to carry out the threats; at least, they are not aware of it. 25. Regarding vows, the confessor should diligently inquire of the penitent whether what he has uttered is a true vow, because the common people often confuse desires or intentions with vows. To distinguish these, it is of little help to ask, as some are wont to do, whether he ever intended to bind himself by a vow under a grave sin? For if uneducated people are asked this, they will easily deny it; it is better to ask whether, at the time he made the vow, he believed that he would be committing a grave sin, or not, and whether he has since fulfilled it; and in this way, it will be better known whether he obligated himself by a grave or a light vow. Having become certain of this, the confessor will inquire whether, if he thought that he would be committing mortal sin by delaying, or whether he believed that he would be excused from this, because he had intended to fulfill it later. 26. Here it is helpful to note something about the dispensation and commutation of vows. It is already known that five vows are reserved: namely, the vows of religion, of perpetual chastity, and of the three pilgrimages to Rome, Jerusalem, and to St. James in Galicien, which can only be dispensed by the Pope, provided they are absolute, and not penal, or conditional (l. 4, n. 261). To these, add the vow of perseverance in some congregation or community, which is often made (as is done in the congregations of the Missionaries of St. Vincent de Paul, and in our Most Holy Redeemer), which Pope Benedict XIV, in the Bull *Convocatis*, dated November 25, 1749, § 52, reserved to himself (l.c., n. 255). Other vows can be commuted or dispensed by Bishops, who can delegate this power to others (l.c., n. 256); or by regular confessors (l.c., n. 257, v. *Immo*), or by other confessors by means of a faculty, jubilee, or other privilege granted to them in Volume

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IX.

[*Latin ed. p. 34*]

Having granted [permission], when speaking of commutation, I wish to admonish the confessor not to be scrupulous concerning the reason, because any reasonable motive can be considered a cause. It is sufficient that from the commutation of the vow there is less danger of transgression (l. c. n. 244, end); nor, concerning the equally substituted matter, is an equal weight required, but it suffices that it be morally equal. He should ask the penitent which works he is accustomed to perform, besides those required by precept, or to which he has a greater inclination, and in which he wishes to change his vows. Furthermore, commutation will be safer in all kinds of vows with frequent reception of the sacraments (l. c. n. 243). Note that perpetual vows can be well changed into temporary ones; provided that there is a due proportion; and thus real vows can be changed into personal ones, and conversely, personal vows into real ones (l. c. n. 247, see Note). When speaking of dispensation, a more serious reason is required for this, namely, great danger of transgression, great difficulty of execution, lightness, or imperfect deliberation with which the vow was made (l. c. n. 252 and 255). Nevertheless, it will always be praiseworthy to add some commutation to such dispensations. These dispensations and commutations can be made outside of confession, provided that the faculty has not been granted under such a condition, as in the jubilee (l. c. n. 237, see Indeed); but it is advisable to make them in confession. 27. Regarding blasphemies, he should ask if he has cursed the Saints? and with what words he used, whether he said "male," "managgia," or "atta," or "potta"? Indeed, to say "managgia" is certainly mortal sin: "atta" in itself is venial, because such a word does not contain an insult; but some uneducated people conceive of it with horror, and as when they say "managgia," it is necessary to take it as a grave blasphemy, and at the same time instruct the penitent that such an utterance is not a blasphemy. To say "potta" in itself would be a grave sin according to the Hispanic language, but in our language it is not a blasphemy, since it means nothing other than an indignant interjection (Book 4, n. 124, see Neither). Nevertheless, it will be good to demand satisfaction, since uneducated people conceive of a more noticeable horror from this. But when such a word is ambiguous and can be taken in a better sense, it is well that the penitent may understand that, according to our language, it is not a blasphemy, since our people do not...

[*Latin ed. p. 35*]

They certainly understand that it is uttered in a worse sense, that is, in the Spanish idiom, but it should be noted, so that one may be on guard against scandal, if it should ever be present. 28. He is questioned: 2. Whether he uttered it on holy days, namely, Easter, Christmas, Epiphany,

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the Sabbath, etc., which cannot be excused by a mortal sin, although many uneducated people clearly do not understand it as such, but because it is doubtful whether they do or do not understand it, it should be investigated; and such blasphemies should be taken as they are before God. 3. He is questioned: whether, after having uttered blasphemies against God, the Saints, or holy days, he immediately added, "if I said it," or "except for God." For those uneducated people who say this in a single act, the Author of the Instructions for confessors of parishes (Cap. 5, p. 141) rightly notes that, at least, it is to be excused from a grave sin, due to ignorance, as long as they do not intend to utter blasphemy at that time; and although in the Opera (Lib. 4, n. 124, v. Sic quoque) I have said (1) that such an utterance is a true blasphemy, because for blasphemy, intention is not required, but it suffices that the proposition is insulting to God or the Saints; nevertheless, it seems to me, upon further consideration, that it is more likely that it is not blasphemy, provided that the true meaning of each proposition is indicated by the last words; hence, it can rightly be said that the aforementioned proposition, when fully understood, does not imply insult. But it must be said differently, if, after truly uttering it, as has already been explained, he were to add, "if I said it," etc. 29. It should be noted that when uneducated people say, "may your faith be cursed," commonly "malediga la fede tua," it is not taken as blasphemy, because they do not understand Christian faith, and the word "faith" can also be understood as human faith; rather, one must judge whether they uttered it against the holy faith, or against Christ. Similarly, it is not a mortal sin to curse the dead, unless they are named or understood precisely by the one speaking, as souls in purgatory, or the dead in Christ, or the souls of the dead. On this point, I have already spoken in the Opera (Lib. 4, n. 150): but because this is a point not discussed by other authors, it is important to bring it up here to make it clearer, (1) The author indicates the first, not correct, edition of the Moral.

[*Latin ed. p. 36*]

And especially, let me respond to a certain Anonymous person who, in a certain letter, contradicted me, raising certain objections. I say that the malediction of the dead, speaking strictly, is not blasphemy, neither in itself, nor by reason of those who pronounce it. It is not blasphemy in itself, because the word "dead" is properly a privative term, signifying those who have lost their life, who now no longer exist; and in such a context, the word "dead" does not signify either soul or body. Therefore, speaking with philosophical rigor, he who curses the dead does no injury to anyone, because he is cursing something that no longer exists. Someone might say: but here, the word "dead" is taken, not as a privative term, but as an analogous term, which can be referred to both the soul and the body. I reply first, that he who says this is already speaking of the mental relation; but I am

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speaking of what the word "dead" signifies in itself. But even taking it as an analogous term, I reply secondly, that under the word "dead," primarily, and directly (as the philosophers say), comes the body, which alone can be called dead, since the soul is immortal. Only by a figure of speech can the soul be understood to come with it, namely, the soul of the dead, because it was once the form of that body to which it gave life. But, assuming that the word "dead" primarily refers to the body, and less primarily to the soul, when someone speaks of the dead, strictly speaking, he is understood to be referring to their bodies; in order to understand that he is referring to their souls, it is necessary that either he explicitly intends to speak of their souls in his mind, or at least that other words of his speech denote souls, as is the case in what is written in the Maccabees (2:46): "It is therefore a holy and wholesome thought to pray for the dead, that they may be loosed from sins." Here, the word "pray" already denotes that the discourse is about the souls of the dead. Therefore, strictly speaking, the malediction of the dead is not blasphemy. Now let us see if it is blasphemy by reason of the mental relation of those who pronounce it. And secondly, we say that it is not blasphemy by reason of the relation, because those who curse the dead ordinarily do not consider the souls of the dead. Here, however, the author of the letter accuses me of not knowing how to distinguish between an abstract term and a concrete term. He instructs me that an abstract term is...

[*Latin ed. p. 37*]

which signifies form, precisely, as in beauty, whiteness, etc. Concretely, it signifies the subject joined with form, as in a handsome man, a white sheet of paper, etc. Hence, it says that the word "dead" signifies a man who formerly consisted of soul and body, but now signifies the soul and body separated. And from this, it concludes that when one curses the dead, one curses not only their bodies, but also their souls. I reply. I do not say that when one curses the dead, one considers them as abstract, that is, as forms without a subject: but I say that one does not consider the souls of the dead, which now exist. One thing is to abstract, which is to consider a certain form without a subject: another thing is to disregard, which is to consider a certain subject, precisely separated from some circumstance or quality that can be considered. It is certain that those who have passed from this life are not the same as they were when they were living. Then they were entirely persons composed of soul and body joined together, but now their souls and bodies exist indeed, but they exist separately. Therefore, when the dead are cursed, it does not necessarily follow that their souls are cursed, unless they are specially expressed, or understood. But finally, let us concede to the Author of the Epistle that he has undertaken to maintain, namely, that cursing the dead is the same as cursing someone as if they were alive. I ask: Therefore, does he who curses a living man always

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sin mortally? All the Doctors say, Cajetan, Soto, Molina, Grado, Azorius, Lugo, and others with the Salmanticenses in *De Restitutione*, chapter 4, paragraphs 27 and 28, from *Summa Theologica* 2, 2, question 76, article 4, that a curse against one's neighbor is a mortal sin when it is formal, that is, (as Cajetan explains) when one wishes harm to one's neighbor, and a serious harm, which one imprecates upon him; but not when the curse is only material, that is, pronounced without a wicked intention. Indeed, in the living, certainly the body and soul exist together. And why is it not mortal? Because he who curses a living man does not always intend to curse the soul of his neighbor, and to inflict dishonor upon that substance in which the Image of God especially shines, but disregards the soul; and thus does not commit a serious fault. Those who curse irrational creatures (the same Doctors teach in the aforementioned passage).

[*Latin ed. p. 38*]

(citing book 2, chapter 2, and all) If one considers them insofar as they are the creatures of God, one commits a mortal sin and commits true blasphemy; but not if one sets them aside, considering them as such, and curses them only insofar as one considers them individually, and indeed, all of them are the creatures of God. Moreover, St. Thomas admits this distinction. Likewise, he who curses the dead, if he curses them insofar as he curses their souls, sins gravely; but not if he sets them aside, and curses the dead without specifically considering their souls. However, to say that all who curse the dead intend to curse their souls as well, we, and many other confessors, have found to be the opposite, by questioning penitents. Especially since those who curse the dead do not intend to harm them, but rather the living, to whom such insults are directed. Nevertheless, this is a matter of fact, and each confessor, by carefully questioning the penitent, can free himself from doubt. However, to say that, even if one intends only to curse the bodies of the dead, one cannot be excused from a grave fault, because of the respect that the Church has for the bodies of the dead, by offering incense to them, sprinkling them with holy water, and burying them with solemnity: I do not know how anyone can persuade himself of this. I will not dwell on this. Briefly, I will say that the aforementioned functions are not indeed acts of religious worship towards the bodies of the dead, but rather certain ceremonies that the Church also applies to the living. Therefore, if the honor shown to the deceased is not greater than that shown to the living, neither will the insult be greater. But why (the author of the letter adds) do the laws punish more severely those who act violently against corpses? I answer: they punish, not for the sake of the insult, but for the sake of the wicked intention that is manifested in such an action, and which, moreover, in some cases, is punished by law even in the living, whether they are infidels or heretics. Otherwise, if this were a grave injury to the corpse in itself, those who, for the sake of anatomy,

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cut up and dismember corpses would be guilty of the same crime. Finally, what I conclude is that cursing the dead, in itself, is neither blasphemy nor a mortal sin. And I find that three authors (already cited in the work) who have written on this point alone, have pronounced the same thing. Furthermore, for the sake of my own greater peace of mind, I say that...

[*Latin ed. p. 39*]

I wrote to several learned men in Naples, and also to three congregations of secular priests devoted to missionary work, where the finest of the clergy of Naples is found; and in every instance, the responses were in conformity with my sentiments. And Father Sablatinus (a pious worker at that time, now a most worthy prelate of L'Aquila) replied to me that all pious workers, both present and past, had felt the same thing uniformly. Furthermore, after I had submitted a certain letter on this point to the printers, and after a certain anonymous letter appeared against it, as I have already mentioned above, I received it as certain that both writings had been transmitted to the Most Holy Pope Benedict XIV, who, after having taken up the matter of discussing the question with the Reverend Father Thomas Sergio, a pious worker, with the Consultors of the Holy Office in Rome (who have now passed away), felt the same as I did, that cursing the dead is not blasphemy. And it was affirmed to me by another pious priest that the Pope, having learned the opinion of Father Sergio, showed that he approved of it.

50. It is doubted whether cursing the world is blasphemy. The author of the Instruction itself denied it, but I showed the contrary (Lib. 4, n. 129, see here); nevertheless, I said that if "world" is understood to mean the world that is opposed to God, it certainly would not be a sin. But because it is likely that the uneducated do not intend it in this way, but rather as the creation of God, and from this they accuse themselves with great horror, I say that it is more likely to be taken as a grave offense.

6. Cursing inanimate creatures, such as the wind, rain, years, days, fire, etc., is not blasphemy, unless such creatures are expressly referred to God, as if one were to say, "cursed be the fire of God, the bread of God," etc. But to curse paradise, or the soul (because in the soul shines especially the power of God, and the divine image), there is no doubt that it is a grave blasphemy (Dict. n. 129).

7. Cursing a demon is not a mortal sin, because one often curses it as the author of evil, and the enemy of God; therefore, it is venial in itself, setting aside the act of impatience, which, however, easily occurs (Ibid., see Cursing). But to say that the devil is holy, or omnipotent, is true blasphemy, and a grave one; but it is heretical if it is uttered with an error of understanding, which, speaking regularly, is not presumed. But it is not blasphemy to call

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the demon powerful, or wise, because those...

[*Latin ed. p. 40*]

In its nature, it is thus; provided that this is not said, so that honor might be given to it; or, commonly, "holy Diana..." or "holy Diana Veteranorum" (Lib. 4, n. 124). Question him 8. how often and on what occasion he blasphemed; whether in a game, or in a tavern, or during a hunt, and for how long has he been engaged in this vice? so that he may know if he is a recidivist, or if he is in the immediate occasion for which he should, repenting, be held accountable. 51. He should also question whether he blasphemed in the presence of children, or servants; for then, besides the sin of blasphemy, he has also sinned in scandal. Finally, I add, with a learned author, that blasphemers are not excused from a grave sin because, due to the force of a bad habit, or a vehement disturbance of the mind leading to anger, they did not realize what they were saying; for these who are so accustomed to evil, although they may have less vivid awareness than others who have not contracted the habit of blaspheming, nevertheless always have that actual awareness sufficient for the act to be deliberate, and gravely sinful. For since they do not perform this great evil without sin, therefore they do not experience in their soul any sense of this crime, as another would who had a conscience not so depraved; and from this arises the fact that in their mind, not even a trace remains of the actual awareness that they had in sin: or, if some trace of awareness remains, it is so slight that, when questioned, they readily answer that they did not notice it; but a diligent confessor should not give them any credence in this; and he should not inquire of them whether they noticed it or not, but all should be accepted as true, actual blasphemies, and as they themselves knew them to be. 52. C INCA III. precept. Regarding the obligation to hear Holy Mass on holy days, question the penitent whether he has omitted Holy Mass several times? and whether he noticed the omission? whether he doubted the time when he could have heard Holy Mass? For often the penitent, postponing hearing Holy Mass to a late hour, finds, although by chance Holy Mass is offered, and he is present, that he nevertheless, without just cause, exposed himself to the danger of omitting it, and about this, the unlearned do not accuse themselves. Also, if the penitent accuses himself of having omitted Holy Mass, question him about the reason, whether it was due to necessity, as happens with servants who cannot leave the flock.

[*Latin ed. p. 41*]

...or those mothers who cannot leave their children at home, or those who are married and cannot leave the sick, or those who are traveling and cannot separate themselves from their companions without serious inconvenience, such as facing the danger of being robbed, or getting lost on the road if they travel alone, etc. (l. 4, n. 326); or it may happen that

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someone does not have suitable clothing in which to appear decently in church (l.c., n. 530, see Bena).

35. Regarding servile works which are prohibited on feast days, inquire whether he worked on the feast day? And if he affirms it, he is asked: 1. For how long did he work? And what kind of work did he perform? For, according to the common Doctors (Lib. 4, n. 305), those engaged in serious labor for two hours are excused; indeed, some admit of even more, at least if the labor is of a light nature, or if there is some more noteworthy reason. If, however, the penitent confesses that he worked sometimes more, sometimes less, he is asked how often he worked, judging whether the labor was in a serious matter; but it is necessary that, when he states that he worked for a long time, even secretly, and for comfort, and without pay, this too is considered a sin.

2. He is asked, why did he work, was it by the custom of the region? Or out of necessity? It is true that poverty can excuse; as the poor are usually excused who, if they do not work, cannot support themselves or their families (l.c., n. 297); as are also those who repair clothes on feast days when they cannot do so on weekdays (Ibid.). But it is necessary to remove the uneducated from error, who falsely believe that they can work on feast days, when they are working for their family, and without pay. Many Doctors excuse those who work in order to avoid idleness, for which they would be in a probable danger of sin; but this opinion is not admitted, except in a very rare case, in which they would be so tormented by a temptation that it could not be overcome except by working.

Some servants or household members have sometimes been forced by their masters to work frequently on feasts, and even to omit the Holy Sacrifice: these are held to leave such masters, provided they have not obligated themselves by a written agreement to serve; or provided they are not intimidated by a just fear that, by resisting, they would suffer a serious inconvenience. And likewise, sons and wives can be excused for being forced to work on feasts by their parents or husbands (Lib. 4, n. 296).

He is also asked, whether on vigils, the quadragesima, feria sexta, and the Sabbath, he ate forbidden foods?

[*Latin ed. p. 42*]

54. Concerning the Fourth Commandment. If children are being examined, they should be asked: 1. Whether they hate their parents? For then they have committed a double sin, namely, against charity and against piety. 2. Whether they have disobeyed any explicit command of their parents in a just matter, such as not leaving the house at night, not engaging in harmful games, not associating with bad companions, or with persons of the opposite sex, and the like? I said "in a just matter"; for children are not bound to obey their parents in matters concerning the choice of a state of life; indeed, parents would sin gravely if, without just cause, they forced

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their children into the married state, or into the ecclesiastical or religious state, or if they unjustly dissuaded them from the religious state which they wish to choose (Book 4, no. 353; see also Book 5, no. 77). 3. Whether they have shown irreverence towards their parents, either through actions, or through curses, or through serious insults: such as by calling them fools, beasts, thieves, sorcerers, heretics, or by expressing contempt for their gestures, or by using words that caused them great distress. However, calling them "old men," "ignorant," "stupid," etc., should not absolutely be considered a mortal sin, unless they are thereby greatly offended. It should be noted that if children have not shown due respect to their parents, they are bound to restore the honor they have taken away, by asking forgiveness from them, even before those in whose presence the children have sinned. Some confessors, however, are too hasty in this case, and impose on the children as a penance that, upon returning home, they kiss the feet of their parents, and then absolve them; but these children afterwards do not take care to fulfill this, and commit a new sin. It is better to ensure that they ask for this forgiveness before absolution, but without imposing on them the obligation to kiss the feet or hand; for those children to whom this custom has never been familiar, find it very difficult to do. If, however, it is not convenient to demand this action from them before they ask for forgiveness, it should not be imposed as a grave obligation, but rather, it should be suggested as a piece of advice, while it is certainly presumed, at least in most cases, that the parents will forgive the children this obligation, so that the children do not again offend God.

35. If the parents are being examined, they should be asked: 1. Whether they have been negligent in educating their children, in not taking care that they...

[*Latin ed. p. 43*]

For, would they have taught their children the Christian faith, so that they might attend Mass, receive the sacraments, avoid wicked companions, and shun those of the other sex? Furthermore, would they question them if they have been scandalized in their presence, by blasphemies, etc.? If they have not corrected them for their excesses, and especially if they have stolen anything? If they have allowed betrothed men to enter their daughters' homes? And especially if they have kept their sons in the same bed; or if they have allowed boys and girls to sleep together? Furthermore, if they have neglected to provide their children with necessary sustenance? If they have forced their children, by unjust means, to enter into marriage, or to receive the Sacraments, or to embrace a religion unwillingly? For in doing so, they sin grievously. But many parents feel no scruple about this, and thus ruin befalls their children, and great harm comes to the Church. They should also question the masters, if they have corrected their servants when they blasphemed, or did not observe the Paschal precept, or did not

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attend Mass, or spoke indecently, especially during the harvest and grape-gathering seasons; for masters are bound to prevent the scandals that are committed at those times. They should also question men, if they have provided for their families? And wives, if they have incited their husbands to blasphemies, and if they have defrauded them of their marital due? Wives are often questioned about this, because they are often condemned for this very reason, and this is the cause why even husbands are condemned, who, when they see that what is due to them is denied, fall into a thousand crimes. Nevertheless, in this interrogation, use the most moderate language possible, if it can be done, for example: Are you obedient to your husband, even in matters pertaining to marriage? Or do you perhaps have some scruple that troubles you concerning marriage? But this question, for the most part, should be omitted when questioning wives who profess a spiritual life.

56. The confessor should ask the penitent if he has desired any serious harm to come to his neighbor, or if he has rejoiced in his neighbor's misfortune? And it should be noted that if someone has wished various evils upon his enemy, for example, death, infamy, poverty, etc., he is bound to declare everything, and these different evils are distinct in number, unless he intended to effectively bring about his ruin; or if he specifically and in particular wished that these...

[*Latin ed. p. 44*]

These things may happen. However, as many Doctors of Sacred Theology (l. 2, n. 50, v. Quar. 5) state with probability, if one desires those evils to occur under a single genus of evil, namely, as a means to the desired ruin of the enemy, then the confusion of confessors arises in discerning whether the imprecations, which are often customary among the uneducated, constitute mortal sins or venial sins. In this matter, it is necessary first to ask the penitent whether, in that action, he deliberately desired those things to happen; but this is not sufficient to make a certain judgment, and therefore it is necessary to ask afterward, if he cursed strangers, or those who are close to him, because in the latter (especially in children, spouses, or parents) a wicked intention is rarely present. Finally, it is necessary to ask about the reason why he uttered those imprecations; for if a grave reason, or fervent anger, intervened, it is then easier to conclude that a wicked intention was also present. Furthermore, it is not sufficient for the penitent to excuse the imprecations by saying that he only desired that they happen in that particular instance; for this is already sufficient to establish that a grave fault was committed in that action, and therefore the confessor must then inquire about the number of such instances, and judge them at least according to how they appear before God: and he who is found to be relapsed in this vice should not be absolved, unless he first repents, or gives some extraordinary sign of sorrow. 37. He should be asked: 2. Whether he

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inflicted grave injuries upon a neighbor, and whether he did so publicly; for then he is obligated to restore to him the honor that was taken away, by asking forgiveness from him, or by other signs of reverence; unless it can be prudently presumed that he has completely absolved the injuries (Lib. 4, n. 984): or that he refuses that public satisfaction, lest shame arise in himself, and the memory of the injury received be renewed in others: or unless it is feared that, by that act of satisfaction, hatred would be rekindled (l.c. n. 988). However, if the injury was secret, he is also obligated to ask forgiveness secretly, according to the true judgment (l.c. n. 985). Nevertheless, it should be noted that injuries, by which the uneducated burden each other, although they may be grave in themselves, are not always grave among these kinds of people, as when they call each other thieves, poisoners, or prostitutes; because those themselves do not often do these things, nor does the one who hears it believe it; unless they mention specific things, and accomplices. He should also be asked whether he stirred up discord, by sowing dissension, and by reporting to one what he heard from another. 58. Finally, he should be asked whether he harbors hatred towards anyone, and

[*Latin ed. p. 45*]

Did he deny the common signs of friendship? And here it is fitting to recall the doubt raised among the Doctors, whether the offended party is obligated to grant forgiveness to the one who has offended. The Salmantians say (Tractate 21, chapter 6, paragraph 18) that the offended party is indeed obligated to grant forgiveness for the injury, but not for public punishment, because this benefits the common good. Speaking speculatively, this opinion is true; but in practice, I have never been inclined to absolve anyone of this kind, who said that they were sparing their enemy, but wished that justice should have its place, so that the wicked might receive what is due to them for their deeds; for I have never been able to believe that those who sometimes come burdened with sins love the common good and justice (not only in relation to others with whom they are dealing, but only in relation to their own offenders) so completely, that their mind is entirely free from any desire for revenge. Therefore, it is very easy, as many other Doctors say (Book 3, paragraph 29, see "Licet"), for their desire for the common good to be a specious pretext for concealing their desire for private revenge. Nevertheless, I believe that one who is offended can be absolved, first, if he wishes to grant forgiveness, but claims to be justly compensated for the damages he has suffered; provided that the offended party is not so poor that he cannot possibly be compensated; second, if he grants forgiveness on the condition that the offender remains far away, because he has elderly children or brothers, or because the offender is so insolent and prone to quarrels that, due to the weakness of his own mind, he fears that he will not be able to endure his audacity.

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39. Chapters 6 and 9 of the Rule inquire about thoughts: whether they have desired or have been unduly delighted with dishonest things; and whether they have fully considered and consented to such things. Then, whether they have desired young girls, or widows, or married women; and what evil they intended to do with them. It should be noted that, generally speaking, rural people consider rape to be a greater sin than simple fornication; on the contrary, they are unaware of the wickedness of adultery; therefore, it is not useful to warn those who are accustomed to this vice about the wickedness of adultery, since it is foreseen that such a warning will be of little benefit, but will only result in the penitent sinning with a double sin, if he does not resist the lusts of the flesh. But regarding those thoughts to which they have consented, see paragraph 9.

[*Latin ed. p. 46*]

Efforts should be made to ascertain a definite number [of sinful thoughts], if possible; if not, it should be determined how often, in a day, week, or month, they have yielded to such thoughts. But if they are unable to explain even this, they should be asked whether they have desired any particular woman they have encountered, or who has come to mind; or whether they have habitually entertained impure thoughts about any particular person, without ever resisting such inclinations, and whether they have always desired that person, or only when they have seen her. They should also be asked whether they have used any means to indulge in these bad thoughts; for, as we have said in the book (l. 2, n. 42), such means, even if they are indifferent in themselves, are informed by internal malice, and are therefore to be explained as external sins, or actions begun.

40. II. Regarding obscene words, they should be asked: 1. Before whom, and how often, have they spoken in this way, out of a desire to scandalize? Before men, or women, married or unmarried? Before children, or adults? For girls and boys are more easily scandalized than adults, especially those who are accustomed to this vice. 2. What words have they uttered? For example, have they mentioned the shameful parts of the body by their proper names? This is difficult to excuse as a venial sin. 3. Have they uttered these words out of anger, or in jest? For it is more difficult to find consent and scandal in words spoken out of anger. The confessor should be cautious about absolving those who relapse into such vices in indecent conversations; although they may say that they uttered these words in jest, unless they first make amends, or show extraordinary signs of repentance. 4. Have they boasted about any sin? For then three sins often occur together: a great scandal to those who hear, boasting about an evil committed, and complacency in the sin recounted. Therefore, they should be asked about what specific sin they have boasted about (l. 2, n. 26). They should also be asked whether they have been pleased to hear others speaking dishonestly,

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and whether they have then considered the precept of correction, thinking that it would be beneficial.

41. III. Regarding actions, they should be asked: Have they committed this sin with anyone else? Have they committed this sin with the same person? Where was the sin committed (in order to remove the occasions)? How often has the sin been consummated, and how many acts have been interrupted, separately from the sin itself? Have they consented to this sin for a long time? For then, internal acts are interrupted, according to what has been said (l. c., n. 36), and it is then appropriate to form a judgment that the sins have been multiplied as many times as there have been distractions, daydreams, etc.

[*Latin ed. p. 47*]

As regards those who are before God, they are questioned only about the duration of time spent in sin. Otherwise, if a sinful intention has been conceived by two or three days before the consummation of the sin, and has not been retracted within that time, then the sin is reckoned as one; see what is said there. Those who are defiled are also questioned about impure touches separate from pollutions, and they are warned that these are mortal sins. Furthermore, they are questioned whether they have desired, or whether they have been delighted, by the thought of copulation with some woman, or with several women, or with boys; for then they commit so many distinct sins. Also, note that if anyone should lie with a woman between her legs or arms, besides the sin against nature, he would commit begun, or affective, fornication, as is commonly said by Filiucius, Tambur, Holz. Spor. etc. (l. 4. n. 466. v. Primam.); hence here two sins of different species are committed, one against nature in effect, the other of fornication in affection. Regarding the sins of spouses with respect to the marital debt, ordinarily speaking, the confessor is not obliged, nor is it fitting, to question wives, except whether they have fulfilled it in a more modest way, for example, whether they have been obedient to their husbands in all things? He should be silent about other matters, unless he has been questioned. What is permitted, and what is forbidden, between spouses regarding this same duty; see what has been said at length in the work (Lib. 6. n. 900. 42. Cinca VII.). The precept asks, if someone has stolen something from another? And from whom, and whether from one person, or from several? Whether alone, or with others, and whether once, or several times? For if, in any instance, he has taken a substantial amount, he has sinned mortally in that instance. But if, in each instance, he has taken a small amount, then he has not sinned gravely, unless the amount has increased to a substantial amount; provided that, from the beginning, he did not intend to reach a substantial amount; but when the amount has already become substantial, although he may not have sinned gravely, he is nevertheless bound to make restitution for a substantial amount (l. 4. n. 535.); at least for the last quantity, which

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constituted the substantial amount (Ibid. in fin.). It should be noted that more material is required to constitute a grave sin in minor thefts, and a greater amount is required if it is taken from different people; hence it is said that in minor thefts, which are committed several times by different people, double the amount is required (Lib. 4. n. 530.). And if a noticeable interval occurs between them, namely, two...

[*Latin ed. p. 48*]

During months, theft is probably not sufficient to constitute a grave matter (Ibid.). However, those who consume fruits in the vineyards of others, provided they are not rare and of high value, may be excused from at least mortal sin, if they do not export them in large quantities (Book 4, n. 529, Question 2); for in this kind of matter, which is very common, a larger quantity is required to constitute a grave matter (loc. cit. n. 529). And for this reason, servants and maids can easily be excused who take food items from their masters, provided they are not in large quantities and are not extraordinary (loc. cit. n. 545). They should not be condemned for mortal sin if they cut down wood or lead sheep to graze in the fields of the community, even if it is prohibited; because such prohibitions are considered to be purely penal (loc. cit. n. 529, see question 1, and n. 614, see question 2, which are in the same place). However, the gravity of the matter is measured by the quality of the person to whom the damage is done; but this has been discussed more fully in the work (Book 4, n. 527). When thefts are committed by children or by wives, a much larger quantity is required for it to be a mortal sin; and rarely are they held under a serious obligation to make restitution (loc. cit. n. 539 and 545).

45. Having ascertained that there is a serious obligation on the part of the penitent, the confessor should inquire whether the penitent is able to make restitution, even with some inconvenience; and he should not grant absolution unless the person first makes restitution, even if that person exhibits extraordinary signs of amendment (Book 4, n. 682). For there are certain goods that cannot be taken from the veins except with great force and pain. Therefore, if restitution is not made before absolution, it will be much more difficult to make it afterward, as we are taught by experience. Only the penitent may be excused who is so scrupulous in conscience that there is no room for doubt about him. I said "with some inconvenience"; because if the person, by making restitution, would not be plunged into serious necessity, that is, if he would be deprived of his just acquired state, then he may postpone restitution, provided that the creditor is not in serious necessity. Indeed, even if the creditor is in serious necessity, it is probable that the debtor is not even obligated to make restitution, when he himself is also found to be in serious necessity, and by making restitution he would be placed in a state of extreme necessity. However, this is understood only if the stolen thing does not exist in kind; and only if the creditor has not

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been particularly reduced by that theft to a state of serious necessity (loc. cit. n. 703).

[*Latin ed. p. 49*]

It is fitting, at least when the restitution can be delayed, to advise the penitent to gradually restore what was taken, or to perform some labor, or to offer some gift to the creditor from time to time.

44. It is not possible here to repeat all the necessary doctrines concerning this matter of restitution, which is so widely known and understood; therefore, let what has been said more fully in the work be consulted. Here, only a few things will be noted, which frequently occur and are more relevant to practice.

And 1. When someone commits theft in the company of others, in order to determine whether he is obligated to make restitution for the entire loss, or not, the following must be distinguished: if he was merely induced by his companions, and the theft would have occurred in the same way even without him, he will not be obligated to restore anything other than what he himself took. But if they conspired together (with alternating encouragement), then each one is obligated in solidum to make restitution (l. 4, n. 579, v. Quær.). Thus, in theory; but in practice, it is often difficult to persuade the uneducated, especially those who are not very scrupulous in conscience, to make restitution for what they received from others: and conversely, the lords themselves are often content with a portion of what they received, because if they are obligated to restore the whole, they are more likely to neglect to restore not only what others received, but also what they themselves received. Therefore, the confessor should make it clear to him that he is obligated to make restitution, without explaining the amount, and should urge him to restore as much as his conscience dictates (lb. in fin. et Auct. Instruct. pro confessar. pagorum, c. 8).

2. It should be noted that no one is obligated to restore the damage caused if he derives no benefit from it, or if he did not even foresee that damage (Lib. 4, n. 615, in fin.); or unless he has been fined by a judge's sentence to make amends for the damage (Lib. 1, n. 100, in fin. et l. 4, n. 554, in fin.).

3. If the theft is uncertain, that is, if the person to whom the damage was done is uncertain, the penitent is obligated to make restitution, either by offering Masses, or by giving alms to the poor, or by making donations to pious institutions (Lib. 4, n. 589, in fin.); and if he himself is poor, he may apply it to himself or his family (l. c., n. 672). But if the person is certain, restitution must be made to him; therefore, it is surprising to find so many confessors so unskilled, who, when it is known who the creditor is, impose on the penitents the obligation to offer alms for the thing that is

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to be restored.

[*Latin ed. p. 50*]

They should either make amends, or celebrate Masses. In this case, I defended the opinion that the penitent should be obligated to restore, even repeatedly, because in all cases, even accidental ones, he must render to his neighbor what is due to him, and I could not agree with the opposing opinion. I stated only (Book 4, no. 554, Question II) that if the thefts were minor, even if united to a large sum, and even if the owners were certain, but different, then I would excuse from grave sin the one who wished to restore to the poor, for the reason given there; and even from venial sin, if a reasonable cause were present, as if the restoration could not be made to the owners without notable inconvenience, or if some poor people were in such need that the owners would be presumed to consent to the restoration being made to them (loc. cit. no. 595, at the end). If someone has committed fraud against many citizens, but uncertain ones, through minor thefts, for example, by selling wine, oil, etc., with a deduction in measure or a reduction in weight, I maintained that he is obligated to restore to those very citizens (either by reducing the price, or by increasing the weight or measure), and not simply to the poor, as some allow; although, as I said above, if he gave to the poor, he would not commit grave sin, and not even venial sin, if a just reason were present (Dict. no. 595). 4. It should be noted that if someone has taken or retained something that belongs to another, with the presumption that if he were to ask the owner for it, he would gladly give it to him, he is not obligated to make restitution (Book 4, no. 700, see Question I). 5. Nor is he obligated to make restitution who has given a gift freely and gratuitously to his creditor out of forgetfulness of his debt (loc. cit. no. 700, see Question II). 6. It should be noted that in order for a penitent to be obligated to make restitution under grave guilt, when the thing taken has already been consumed, and he has not become richer, it is necessary first that there be a grave internal fault against commutative justice (Book 4, no. 550). Furthermore, from his side, it is required that there be an external action, or that the damage caused be effective (loc. cit. no. 584), and moreover, that this damage be complete or gravely unjust (Book 4, no. 551); and that there be moral certainty that he was such. (loc. cit. no. 562). This is what pertains to acceptance. Regarding the retention of a thing, if the penitent has a probable opinion of legitimate possession, he cannot be obligated by the confessor to make restitution (Book 1, no. 55); indeed, he who has begun to possess in good faith some thing, after due diligence has been made,

[*Latin ed. p. 51*]

To discover the truth, one is not obligated to restore anything, unless it is certain that a right belongs to the neighbor, as I have demonstrated

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in many places. However, if the obligation of restitution were certain, but the penitent remained in good faith, and the confessor certainly foresaw that the correction would not be beneficial, then he ought to omit it, lest, through it, what is a material sin become a formal sin, to the detriment of that soul, as the Doctors say (Lib. 6, n. 614, v. Infer. II.); see the statements above, chap. I, n. 8 and 9. Finally, with regard to the obligation of restitution by reason of a contract, it is necessary to consult others, to study books, and then to decide. It is also necessary to note here that, if certain contracts, which have been accepted in use for a long time in a particular region, where missions have been carried out, are found, the confessor should not condemn them, unless, after examining all the circumstances, he finds them to be so. Indeed, at first glance, many contracts may appear usurious or unjust, but upon closer examination, they may not be considered as such. Regarding the prescription of goods, see the book (Lib. 4, n. 504).

Regarding the eighth precept, it is asked: Does the penitent inquire if he has defamed anyone? And if so, does he do so by imposing a false sin upon him, or by making the truth known? And if the sin is true, whether it was hidden, or made public in some place, by reputation, or by the sentence of a judge? Also, it is asked, whether he defamed before one person, or before many; and before how many? Also, whether he divulged the fact, as if he had learned it from himself, or if he had heard it from others. Regarding the restitution of reputation, if the offense that was made known was false, the one who brought about the defamation is obligated to retract. But if the offense is true, he must seek to repair the damage caused by the defamation in the best way he can, without lying. For example, he can say: "I was mistaken, I was deceived, I erred." Others also admit that it can be said, "I lied, I equivocated," since every sin is a lie, as it is said in the Scriptures. I am accustomed to give the advice: "I took this from my head," or, in common language, "I got it out of my head," even equivocating, because all words proceed from the mind (for which the head is taken as a symbol). But if, at any time, the restitution of reputation should probably cause greater damage than the defamation would bring to the defamed person, because it is presumed that the matter has passed from the memory of men (as is presumed when the defamation occurred a long time ago, and nothing has been done about it since), then...

[*Latin ed. p. 52*]

If there is mention of it, it is then better to seize the opportunity to commend him for some virtue, so that he may be placed in the good opinion of others, rather than to recall past events by restoring his reputation. The confessor should see to it that such restorations of reputation, if they can be conveniently accomplished, are done before absolution, because they are more difficult to accomplish afterward; although they are less difficult than the restitution of money. Finally, it should be noted that when a neighbor

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reveals a fault, it is properly called defamation, and is a sin, as St. Thomas states (2-2, q. 73, a. 2), when the intention is to denigrate the reputation of another, and not when the intention is to avoid some damage, such as informing parents, a master, or a superior, in order that the guilty party may be reformed, or to protect others from harm. Only when the damage is of great importance, or when the defamation is of little consequence. Note what is stated in the work (Lib. 4, n. 968). 46. Regarding the duty of restoring to someone the honor taken away from them, due to an insult, it has already been discussed in precept V, n. 56. In this precept VIII, the Doctors also speak of rash judgments. Many uneducated people accuse themselves of having felt something bad. It is important to note that: 1. When there are sufficient reasons for judging something in a certain way, the judgment is not rash, but just, and therefore is without fault. 2. Often these are not judgments, but suspicions, into which masters and heads of families are sometimes led, in order to prevent some sin, for example, to prevent servants from rioting, or daughters from sinning by associating with men, etc. He should only warn them not to communicate such suspicions to others without necessity. 47. It would be appropriate to speak of the precepts of the Church, but of those, namely, the obligation to hear Mass, and not to work on a feast day, we have already said enough above, n. 32 and 35. Regarding fasting, we remind the confessor of three things. I. Not all labors excuse one from fasting, but only those that cause much bodily exertion (Lib. 4, n. 1041). II. Workers are excused from fasting only on those days in which they are actually working, or in which they expect to be working the next day, and cannot eat except the day before (Ibid. n. 1044). III. It is not sufficient to satisfy the obligation of fasting by not eating outside of breakfast and dinner, or by having a less than usual supper, as many falsely believe; for fasting implies...

[*Latin ed. p. 53*]

One meal is to be taken during the day; and in the evening, only a simple collation of eight ounces is permitted, according to common custom, or up to ten ounces may be allowed to those who have used a greater quantity due to a greater need, exceeding the ordinary (l. c. n. 1025). However, the poor, for whom there has not been sufficient food in the morning, and who cannot be sustained by a simple evening collation, are excused (l. c. n. 1053, v. Secundo). It is said that if these individuals had sufficient food in the evening, they should be held to fasting, postponing supper until midday; but many others deny this, because such fasting would be an extraordinary burden for them. The matters contained in the work should be observed (Lib. 4, no. 1054, towards the end). After the confessor has conducted such an examination, how he should then behave, in order to prepare the penitent for contrition, and to add penance, has already been explained (n. 10 and 11). But above all, it should be noted that such an examination is not to

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be neglected, for it is discovered that the majority of confessors are lacking in this regard.

CHAPTER III. Concerning the questions to be asked to persons of different status or condition, who are somewhat careless in conscience.

48. It is noted here that, concerning the obligations of one's own state or office, it is not always sufficient for the confessor to simply ask the penitent whether he has fulfilled his obligation, especially if the penitent appears to be somewhat careless in conscience, or if the confessor has a reasonable suspicion that he is neglecting his obligations; then it is necessary for the confessor to question him in particular, at least concerning his most important obligations.

49. And first, if he is a priest who is to be ordained, he is questioned about: 1. whether he has fulfilled the canonical hours and the duties of Mass, or whether he has delayed celebrating them for a long time? 2. whether he has engaged in business? 3. whether he concludes Mass too hastily? For if he concludes it within a quarter of an hour, he cannot excuse himself from a grave fault, even if the Mass is for the repose of the dead, as many Doctors teach without much foundation.

[*Latin ed. p. 54*]

(Book 6, paragraph 400): For within so brief a time, it is not possible to celebrate Mass without great negligence in words and ceremonies; at least, the Mass cannot be celebrated with that gravity and decorum which is fitting for so great a sacrifice. Furthermore, from a Mass celebrated too hastily, arises also a grave scandal for the laity, for whom, as Bellarmine says (Ibid.), such priests do not seem to believe that the divine Majesty of our Lord truly is present in the Mass.

50. Moreover, it will not be improper to ask priests whether there is a great scarcity of confessors in their own homeland? For in that case, a priest might be compelled to make himself available, as we have demonstrated with valid reasons (Book 6, paragraph 625), to which we add the teaching of St. Thomas, who says (Supplement, Question 54, Article 1): God instituted the order of priests in the Church for this purpose, that they might minister the sacraments to others; and therefore (the words of the Saint), He established order in this, that indeed they should give the sacraments to others. Therefore, the priest is called the light of the world, the salt of the earth, and the helper of God. Since, therefore, the purpose of the priest is to administer the sacraments, how can he excuse himself if he sees his fellow citizens lacking confessors, and therefore many of them remain in sin, with great danger of damnation, and he himself renders vain the purpose for which God has raised him to the priesthood, by neglecting, through laziness, to make himself suitable for administering the sacrament of penance, which, except for baptism, is most necessary for the salvation of souls. The words of the Lord are most terrible against those priests who

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care little for the salvation of their neighbors. "If you have not spoken to the man about his sin, and he dies in his sin, he shall die in his iniquity; but I will require his blood at your hand." (Ezekiel 3:18). If that priest excuses himself by citing his own insufficiency, let him hear St. Francis de Sales, who calls the false humility of those priests who refuse to undertake the salvation of souls, under the title of their weakness. "This," says the Saint, "is a malicious humility, and a disguised love of self, which, under this fair pretext, seeks to conceal its own negligence. He adds that God, when He has given us a certain talent, justly asks us to use it; therefore, he who uses it and obeys, shows himself to be more humble. The proud, on the other hand, have reason to undertake no work, because such trust in themselves."

[*Latin ed. p. 55*]

The humble are opposed to the great, because they do not consider their own strengths, but trust in God, to whom it pleases to manifest His omnipotence in our weakness; therefore, it follows that the humble can undertake all things.

51. Secondly, if a confessor is added, and there is a prudent doubt about his suitability, he will be asked whether he has given sufficient attention to the matter, and whether he continues to study. For, as we said in number 18, at the end, to properly exercise the office of hearing confessions, it is not always sufficient to have studied. Also, did he absolve those who remained in the proximate occasion of sin, or were they recidivists, and did they not exhibit extraordinary signs of their disposition? If such a confessor has ever incited a penitent to impurity, he will be asked whether he knows that he cannot perform the Sacred Office, since he has been permanently incapacitated by the solicitations of the Most Holy Pope Benedict XIV, and the matter is reserved to the Pope, which, as we have shown in the work (Book 6, number 703), occurs before any sentence is passed. But does this apply even to the ignorant? Observe what is said in the same passage of the work cited.

52. Thirdly, if a parish priest is added, he will be asked:

1. Whether he pays attention to the due corrections towards his subjects? Specifically, towards those who are held in hatred by him, or who behave scandalously, or who frequent the homes of betrothed couples. And speaking of this matter, such a parish priest should be strongly warned not to accept mutual promises of marriage except shortly before the marriage is to take place, as prudent parish priests do; otherwise, that entire time until the marriage will be a time of sin.

2. Whether he takes care that his subjects, without exception of persons, fulfill the Paschal precept? How many people do we find in missions, especially those of greater standing, who have, for many years, neglected to fulfill the precept, without the parish priest having admonished them, and used appropriate means to bring about their compliance?

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3. Whether he has administered the sacraments (especially the sacrament of penance) in danger of death, or when he has been requested to do so by himself (Book 6, number 623, see Response 2 and Response 3)? I say by himself, because, when he is able, he does not satisfy this by administering through others (Book 5, number 127, see "Here").

4. Whether he has provided the due assistance to the dying?

5. Whether he has given sermons on Sundays? For the parish priest, when not legitimately hindered, omits to preach by means of—

[*Latin ed. p. 56*]

1. Whether he has continuously, or for three months consecutively within the year, been absent, and is thereby excused from grave sin (Book 4, chapter 269).

2. Whether those holding a lucrative benefice have made the necessary charitable contributions, exceeding what is fitting?

3. Whether he has attended to instructing children in the Christian doctrine, and the rural folk in the mysteries of the faith, and in matters pertaining to salvation?

4. Especially, whether he has instructed the uneducated concerning the necessity of repentance for obtaining absolution; and whether he has instructed children concerning Holy Communion, at the age at which they are already fit to receive it, namely, ordinarily speaking, from the age of ten to twelve, or at the very latest, to the age of fourteen (Book 6, chapter 501, see also there). For it is known that Saint Charles Borromeo ordered his parish priests to prepare children for Holy Communion as soon as they reached the age of ten (Ibid.). But some parish priests refuse to administer the Eucharist even to children who have reached the age of twelve, and why? In order to avoid the trouble of instructing them.

5. Whether he diligently inquires whether, for human reasons, written attestations have been easily given, necessary for those who wish to receive the orders? For in this matter, it is necessary that the parish priests should not be content with merely negative knowledge, but must have positive knowledge of the integrity of those concerned, and of their frequent reception of the sacraments; and therefore, they are particularly obligated to report on all these matters. Sometimes, those who are burdened with many sins are ordained, who have received Holy Communion scarcely once in the year, or even who have neglected the Paschal precept, and then boldly present attestations from the parish priest concerning their good conduct and the frequency of their reception of the sacraments. These then receive the orders, and become a scandal to the people; and concerning all their faults, the parish priest indeed must give an account to God, for the bishops trust the parish priests in this matter; but more diligent bishops do not readily believe the attestations of the parish priests in this very important

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matter, from which the salvation of the people depends.

6. In Quarten, if the bishop is aware of negligence, the confessor should inquire:

1. Whether he uses due diligence (apart from examining their knowledge) to ascertain the positive integrity of those to be ordained? As the sacred canons, the Council of Trent, and the Apostle prescribe, he must give little credence to the attestations of the parish priests, which, as we have said, are mostly either false or suspect.

2. Whether he approves confessors who are sufficiently experienced in morals and doctrine? Otherwise, they will cause more harm.

[*Latin ed. p. 57*]

5. By what means does he expend and apply the income of the benefice? For, as we have demonstrated (Book 4, section 492), after providing for his own honest sustenance, the remainder must be devoted to the poor clergy.

4. How does he fulfill the obligation of residence? Indeed, even the three months granted by the Council of Trent do not allow him to absent himself from his diocese, as Pope Benedict XIV declared, if he were to be absent for a frivolous reason or merely for amusement.

5. How does he diligently inquire into the scandals of his flock, so that he may remedy them in the best way possible, even imploring the assistance of the secular arm, if necessary?

6. Let him be questioned as to how he conducts himself in exhibiting a good example? For, certainly, a prelate is especially bound to present himself as an example: how can he correct his clergy if he himself gives a bad example; for instance, if he were to consort with women, or frequent forbidden games?

54. Fifthly, if he confesses to being a nun, he will be questioned:

1. Has she committed any fault concerning her vows, especially the vow of poverty, by receiving or giving something without permission?

2. Has she fulfilled her canonical hours? The opinion that nuns are not required to recite the office in private is not sufficiently probable, as we have shown (Book 5, section 141).

3. Has she fostered any dangerous affection, for example, if there have been at least words or letters of a loving nature? And in that case, if the nun is unwilling to abandon this familiarity, let the confessor be firm in denying her absolution; for in such familiarities, even if the end is not positively wicked, danger is always present: at least there is scandal, and a bad example with respect to others (Diana, part 5, treatise 7, sections 21 and 22).

4. Is she harboring any hatred towards her sisters?

5. If the nun performs any office, she shall be questioned about it in

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particular; for example, if she is a scribe, does she bring letters or news that suggest wrongdoing? If she is a gatekeeper, does she carelessly leave the gate open, with the danger of scandal to the nuns, or others? If she is an abbess, does she use due diligence when men enter or remain in the monastery, or does she connive at new abuses? It should be noted that, although individual nuns may sin lightly by transgressing a minor rule, superiors, who fail to prevent it when they can, sin in failing to maintain discipline (Book 5, section 13).

55. Sixthly, if someone confesses to holding the office of judge, he will be questioned:

[*Latin ed. p. 58*]

1. Whether he accepts bribes.

2. Whether he has expedited cases.

3. Whether, in judging, he has shown due diligence, or whether he has neglected something, or whether, moved by some affection, he has pronounced sentences favorable to one of the parties.

56. If a scribe is present, he will be questioned: 1. How he conducts himself in taking depositions? 2. Whether he has omitted suggestive questions? 3. Whether he has diminished or augmented the testimonies of witnesses?

57. Seventhly, if a physician is present, he will be questioned: 1. Whether he has been sufficiently versed in the study of medicine, and in the practice of healing; and also whether he applies himself (as he is bound to do) to the more difficult cases that arise? 2. Whether he has granted permission to anyone to eat meat for some human reason, without a just cause? 3. Whether he has applied any dangerous remedy to a sick person who is not yet considered to be near death (l. 1. no. 46. lib. 5. no. 291.)? 4. Whether he has been the cause of remedies being obtained from some apothecary, his friend, whom, however, he does not know to be sufficiently faithful, or skilled, or who sells medicines that are ineffective? 5. Whether he has attended to the care of the poor, if he receives a fee for it; or without a fee, if the poor are in grave necessity (Trull. t. 1. l. 4. c. 1. dub. 11. in fine)? 6. Whether he has advised his sick patients to confess at the proper time, according to pontifical precepts. We have spoken on this point in several places in this work (Lib. 4. no. 182. and better, Lib. 6. no. 664.), where it is said that Innocent III. commanded physicians not to take charge of the care of any sick person unless he had first confessed; and St. Pius V., confirming this precept, furthermore ordered that the physician should leave the sick person after three days, unless he knows that he has confessed; also, he ordered that all physicians, before assuming the degree of doctor, should take an oath to observe this precept; and this has been ordered to all colleges. But it is doubtful how such a precept, and oath, should be understood. Many Doctors have held that it applies when the illness is dangerous; or at least

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when it is doubtful whether it is dangerous; and in this sense, they have said that the Bull of St. Pius was received. But the more common opinion is that the aforementioned precept, although it does not obligate in any slight illness, should not be understood as applying only to illnesses that are actually dangerous, but also to those which are prudently judged to be able to become dangerous in the future. And the reason is, because...

[*Latin ed. p. 59*]

Innocent [Pope Innocent] commands that the physician administer the Sacrament of Confession to the sick person before undertaking the burden of his cure, so that the sick person (thus does the Pontiff speak), having been reminded of Confession, and despairing of salvation, may more easily fall into the danger of death; therefore, he intends to ensure that the sick person confesses before the illness becomes mortal. This opinion seems true to me. Nevertheless, this is contrary to the practice of physicians, even those with a timorous conscience, who do not usually urge the sick to confess, unless the infirmity has already become demonstrably dangerous. Nor do they consider themselves to be sinning against the oath they have sworn according to the Bull of St. Pius, adhering to the doctrine of many authors (lib. 6, no. 664, v. Circa autem), who believe that said oath does not obligate, except for that part for which it has been accepted by custom. Furthermore, there is no doubt that those physicians who omit to urge the sick to confess, when the infirmity is already dangerous, sin mortally. Oh, how miserable it is to see so many sick people (and especially those of high standing) being led to the very gates of death, to render accounts of their lives to God at a time when they are almost lifeless; when they can scarcely utter words, scarcely hear others, scarcely comprehend the state of their own conscience, and the pain of their sins. And all this happens through the fault of these physicians, who, in order not to displease the sick, or their relatives, do not inform them of the danger; indeed, they even try to soothe them until they are completely despairing of life. Therefore, when the physician, with a negligent conscience, is present, let the confessor especially question and urge him, not casually, but with earnestness, regarding this obligation to urge the sick to confess, at least when he perceives the illness to be already grave, or doubts whether it is already grave, as the Doctors commonly say, who do not disagree on this point. I say with earnestness, for from this point hangs the spiritual salvation, not only of the penitent physician, but also of all the sick people who are under his care.

58. Eighth, if the pharmacist is present, he will be questioned: 1. Whether he has provided remedies to pregnant women for the purpose of procuring an abortion. 2. Whether he has sold one medicine for another, and at a price higher than it was worth (lib. 4, no. 821). Here, add Gregory XIII, in Constitution 29, who forbade all association between pharmacists and

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physicians, or surgeons.

[*Latin ed. p. 60*]

59. Furthermore, if a merchant is present, he shall be questioned: 1. Whether he has cheated in weight or measure; 2. Whether he has sold goods at a price exceeding the maximum; especially when granting credit to buyers who are secure, and he himself would suffer no loss: or whether the price can be increased by selling on credit, given that such a price is customary in credit transactions according to common estimation? And whether goods, which are sold in small quantities, can be sold more dearly? Observe the doctrines noted in the book (loc. cit., no. 809).

60. Tenthly, if a tailor is present, he shall be questioned: 1. Whether, on festive days, he has worked for a notable period without an extraordinary cause, in order to complete garments and deliver them to his employers (loc. 4, no. 503, see: "On Tailors")? 2. Whether he has fulfilled the fasts prescribed by the Church? For tailors, due to the labor of tailoring, are least excused from fasting (loc. cit., no. 1041, see: "On Barbers"). 3. Whether, if others have entrusted him with purchasing cloth, he has charged a higher price, under the pretext that the merchant has given him the cloth at a lower price due to a particular friendship? If that portion of the price had truly been given as a gift, then he may demand it, provided he has first shown due diligence with other merchants, or he certainly knows that others commonly sell that item at a lower price (lib. 4, no. 826, see: "Cautiously"); however, this must be absolutely certain, otherwise he may demand no more than he has paid. 4. Whether he has retained scraps or remnants of garments, which he unjustly retains, unless there is the consent of the owners, or unless they have unjustly deducted something from the price due, even the lowest commonly estimated price? 5. Whether he has had an opportunity for proximate sin arising from the rules for properly making women's garments through the measurement of their bodies (commonly called "taking the measure"), or from fitting garments for expectant mothers, which cannot be done without the close attention of the women themselves, and whether this would be an opportunity for the tailor to fall into grave pleasures or desires, as often happens with men of corrupt conscience?

61. Lastly, if a female seller or prostitute is present (understand those who are authorized by their owners to sell goods), she shall be questioned: 1. Whether she has retained any portion of the price collected from the buyers? We hold (loc. cit., no. 825, see: "Query") that the female seller cannot retain anything above what is due to her, even if she delivers to the owner the price designated by him, because such a retention is...

[*Latin ed. p. 61*]

The prohibition applies so that the item is not sold for less, and not so

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that the broker retains what remains for himself; and this holds true even if a specific location has been designated by the owner for the sale, and the broker, having exercised due diligence in that location, subsequently sold the item for a higher price in another, more distant place. For then, too, we say that the broker is not permitted to retain anything superfluous, but only that which he could reasonably oversee given the extraordinary effort involved; for the item always benefits the owner. We make exceptions (Ibid., vol. 2, p. Bene autem) as follows:

1. If the broker has improved the item, and therefore sold it for more than the item was originally worth.

2. If the broker has agreed with the owner not to deliver anything further unless a price is determined by the owner, whether expressly or tacitly, as if the owner had not assigned any compensation for the broker's labor.

3. If what remains is of little value, so that it may be presumed that the owner will condone it.

4. If the broker, having exercised ordinary diligence, purchases the item himself at a price offered by others, and then sells it for a higher price.

The same applies if someone entrusts you with purchasing an item at a specified price, and you purchase it for less; then you can demand nothing further, unless you have exerted extraordinary effort to economize on expenses; or if you purchased the item in your own name, assuming the risk. This, however, is understood if you have already exercised moral diligence and have not found anyone from whom you could have purchased the item for less (Ibid.).

62. Twelfth, if a barber is involved, he is questioned whether he cuts hair on holidays, and if such a custom does not exist? Conversely, it is not forbidden to him if such a custom has already been established; or if men cannot be shaved except on holidays, because on other days they must devote themselves to labor to support themselves and their families. Furthermore, he is questioned whether he styles women's hair, according to the wicked practice invented by Satan in these times. Ordinarily speaking, I believe that this is the closest opportunity for men to sin mortally with shameful pleasures, or at least desires; therefore, I say that it should not be permitted to anyone who has not had the contrary experience within themselves. If, however, someone has, for a considerable time, experienced himself in such an action, he cannot be condemned for mortal sin; but nevertheless, the confessor should, as much as possible, remove him from such an occupation, which certainly involves a danger.

[*Latin ed. p. 62*]

It contains. Therefore, I do not wish to discuss another doubt, whether or not women can, with a safe conscience, use men to produce semen, so that they may compose their own. I hear that they do this in many places:

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and they confess, and they receive Holy Communion, as their confessors see. At the very least, the confessor should instruct them not to use any man who is younger, from whose actions they have perceived that he is acting maliciously. However, I believe that women of a purer conscience should not use men, but should be content with semen from which their own is composed, in the best way possible.

CHAPTER IV. How a confessor should behave with those who are in close proximity to sin.

63. The greatest care of a confessor should be to behave well with those who are in close proximity to sin, either those who are accustomed to vices or those who are relapsed. Here are two great obstacles, into which the majority of confessors fall, and fail. In the following chapter, we will speak of the habitually sinful and the relapsed; here, of those in close proximity to sin. It is certain that if men tried to avoid occasions, a greater part of sins would be avoided. Satan, when occasions are removed, gains little, but when a man willingly throws himself into a close occasion, he almost always sings of the enemy's victory. An occasion, especially in matters of impure pleasures, is like a net, which draws towards sin, and at the same time blinds the mind: so that a man sins, without seeing what he is doing. But let us turn to practice. An occasion is first divided into voluntary and necessary. A voluntary occasion is one that can easily be avoided. A necessary occasion is one that cannot be removed without serious harm or scandal. Secondly, it is divided into remote and close. A remote occasion is one in which a man rarely sins, or one that is found everywhere. A close occasion, speaking in general terms, is one in which men most often fail. A close occasion by accident, or relative, is one that, although not close with respect to others, is close with respect to someone, either because this person frequently falls in such an occasion, or because it can be prudently feared that he will fall, due to the known experience of his own frailty. Indeed, the Fathers do not wish there to be occa-

[*Latin ed. p. 63*]

The proximate occasion is not necessarily that in which a person has fallen most grievously or most frequently; rather, the more common and accurate teaching holds that the proximate occasion is that in which someone has frequently sinned (l. 6, n. 452). However, it must be noted that, just as sometimes an occasion that is generally proximate with respect to others may, with respect to a particularly pious and cautious person, be considered remote (Ibid.), so conversely, certain occasions that are generally remote with respect to others may, for someone who, due to a history of relapses and a strong inclination towards a particular vice (especially if it is shameful), has become very weak and easily tempted, be proximate with respect to that person; and in such a case, that person will be obligated to remove not only proximate occasions, but also those that, with respect

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to themselves, become proximate.

64. Examples of proximate occasions include:

1. He who keeps in his own home a seed with which he has often had illicit relations.

2. He who frequently, in games, utters blasphemies or commits fraud.

3. He who has often become intoxicated, or fallen into quarrels, or engaged in obscene acts, words, or thoughts, in a particular tavern or house.

Furthermore, all of these individuals cannot be absolved unless they remove the occasion, or at least promise to remove it, according to the distinction that will be made in the following section. And likewise, one cannot be absolved who, although he has never sinned in a particular house, even if only once a year, has always sinned there; for such an entrance is already a proximate occasion. Nor can those be absolved who, although they do not sin when placed in an occasion, nevertheless give grave scandal to others (l. 6, n. 452, vers. Ex præmissis).

Some Doctors (Ibid.) add that absolution should also be denied to someone who does not remove an external occasion, if that occasion is joined with a vicious habit, or a great temptation, or a vehement passion, even if, up to that point, that person has never sinned in that occasion; for he will easily be able to sin later if he does not remove himself from the occasion. Therefore, they say that if a certain maid were ever tempted by a man, and she knew herself to be easily tempted, she would be obligated to leave that house, if possible, otherwise she would be presumptuously assuming that she was safe.

And here, confessors must be careful not to allow betrothed couples to visit each other's homes, and to allow betrothed men to be admitted into the homes of young women, and of their dear parents, because it rarely happens that such betrothed men do not sin, at least in words or thoughts.

[*Latin ed. p. 64*]

In such an occasion, since all aspects and conversations between betrothed are incentives to sin: and it is morally impossible for them to converse with each other and not feel the impulses towards those shameful acts which should then follow during the time of marriage.

65. Generally speaking, concerning adolescents and young women who are attracted to each other, it is not the case that all of these are to be condemned indiscriminately for grave sin, but rather, I believe that they are ordinarily in a situation where they find it difficult to avoid the proximate occasion of mortal sin. This is evident from abundant experience; for out of a hundred adolescents, scarcely two or three will be found immune to such occasions; and if not at the beginning, at least in the progress of their relationship; for those who are attracted to each other first converse with each other out of inclination, then the inclination becomes passion

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after it has taken root in the heart, it clouds the mind, and leads them to commit many sins. Therefore, Cardinal Picus de Mirandola, Bishop of Albano Laziale, in his diocese, warned confessors through an edict, not to absolve such individuals who are attracted to each other, if, after having been admonished three times by others, they have not refrained from pursuing such a relationship, especially at night, or for a long time, or secretly, or within houses (with the easy danger of kisses and embraces); or against the command of their parents, or when one party utters obscene words, or with scandal (as if in a church), or with married couples, cloistered individuals, or clerics in sacred orders. And in this matter, it must generally be noted that where there is a danger of formal sin, and precisely of a shameful sin, the more rigorously the confessor treats the penitent, the more he will benefit his salvation; and conversely, the more lenient he is in allowing him to remain in that situation, or to expose himself to it, the more he will be unjust to him. St. Thomas de Villanova calls confessors who are lenient in this matter, wickedly pious. This charity is contrary to charity. Penitents often claim, so that confessors may understand, that removing the occasion will cause great scandal. The confessor must be strong in disregarding such fears: the greater scandal will always be, to see that the penitent, even after confession, does not remove the occasion. Either others are ignorant of his sin, and then they will suspect nothing evil; or they know, and then the penitent will rather recover his reputation, than lose it, by removing the occasion.

[*Latin ed. p. 65*]

66. Many Reverend Fathers hold the opinion that, for the first or second time, one who is in a proximate, voluntary occasion may be absolved, even before the occasion is removed; provided that he firmly intends to remove it immediately and promises to do so. However, it is necessary to distinguish, as Saint Charles Borromeo does (in the instructions given to confessors by him), between occasions that are present and occasions that are not present. An occasion that is present is, for example, when someone keeps a concubine in the house, or when a female servant consents to the advances of her master. An occasion that is not present, on the other hand, is, for example, when someone bursts into blasphemies during a game, or when, while drinking in a tavern, he descends into quarrels and drunkenness, or when, attending a feast, he utters and conceives shameful words and thoughts. With these distinctions made, it must be said that, in occasions that are not present, Saint Charles rightly teaches that absolution can be given once, twice, and even three times to the penitent who firmly promises to abstain from them; but if, afterwards, he does not remove the occasion and sins in the same way, he cannot be absolved, unless he first removes the occasion. However, in occasions that are present, all absolution is entirely to be denied, unless the occasion is completely removed. And this

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opinion (speaking ordinarily) we have entirely approved in the book (Lib. 6, n. 454). The reason is that such a penitent is not disposed to receive absolution if he asks for it before removing the occasion; for by receiving it, he exposes himself to the very near danger of breaking his promise; and thus remains in the same occasion. Let us explain this reason more clearly. Furthermore, he who is in a proximate, voluntary occasion and does not remove it, commits a mortal sin; but when it is extremely difficult to remove the occasion, and this is not accomplished except through great effort, this very effort is difficult for him who has already been absolved, because, having been freed from the fear of remaining without absolution, he will easily persuade himself to resist temptation without removing the occasion, and thus, by remaining in it, he will certainly fall again; as is daily proven in many penitents who, having received absolution from a somewhat careless confessor, pay very little attention afterwards to removing the occasion, and immediately relapse into worse behavior. Hence, we have said that, because of the aforementioned danger of breaking his promise, the penitent commits a mortal sin when he asks for absolution before removing the occasion, and the confessor commits a graver sin when he absolves him.

[*Latin ed. p. 66*]

67. We have said this ordinarily, for several cases are excepted by the Doctors (l. 6, n. 454, v. Dixitamen) in which a penitent can be absolved before removing the occasion. And the following are excepted: 1. The case in which the penitent exhibits such extraordinary signs of sorrow, that it can prudently be judged that he is no longer in imminent danger of breaking his purpose of removing the occasion; for then those signs indicate that the penitent has been granted a greater grace, by which it is deservedly hoped that he will be steadfast in removing the occasion. However, if absolution could always and absolutely be postponed, I would postpone it for him, until he removes the occasion with effect. 2. The case in which the penitent cannot return, or can only return after a long time; then he can rightly be absolved, if it is judged that he is well disposed by his purpose of immediately removing the occasion; because in that case, the danger of breaking his purpose is considered to be removed, due to the great burden which the penitent would have to bear by remaining without absolution, or by having to repeat his confession with another priest, or by remaining for a long time without the grace of the Sacrament. Therefore, when he is then in a certain moral necessity of receiving absolution before removing the occasion, he has the right to be immediately absolved (Ibid. v. Excipiendus 2.); for since he cannot remove the occasion before absolution, he is considered as if he were in a necessary occasion. But this is not even to be admitted, if the penitent has already been admonished by another confessor about removing the occasion, and has not done so, because then he is considered a recidivist, and therefore he cannot be absolved, unless

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he exhibits extraordinary signs of sorrow, as we will say in the following chapter.

68. We say this with regard to a proximate, voluntary occasion; but if the occasion is necessary, either physically, as if because he is held in prison, or is in danger of death, in which he would not have time and opportunity to eject the concubine: or morally, that is, if the occasion cannot be removed without scandal, or grave damage to life, reputation, or property, as the Doctors commonly teach (Lib. 6, n. 455); in that case, the penitent can rightly be absolved, even without removing the occasion, because he is not then obliged to remove it; provided that he promises to take the necessary measures to ensure that the occasion becomes remote, as, precisely in the case of a scandalous sin, by avoiding familiarity with the accomplice, and even the sight of him, as much as possible.

[*Latin ed. p. 67*]

It is possible: to frequent the sacraments; and often to commend oneself to God, by renewing daily (especially in the morning) before the image of the Crucifix the intention of not sinning again, and, as far as possible, of avoiding occasions. The reason is that an occasion of sin is not properly a sin in itself, nor does it necessarily lead to sin; therefore, true sorrow and the intention of not relapsing can well be compatible with an occasion. And although everyone is bound to remove the danger of sin, this is understood when he himself freely desires such a danger; but when the occasion is morally necessary, then the danger is removed by suitable remedies, and God then does not withdraw His grace from assisting him who has truly resolved not to offend Him. Scripture does not say that he who is in danger will perish, but that he who loves danger. But it cannot be said that one loves danger, who is subjected to it unwillingly; therefore, as St. Basil says (In Constit. Mon. c. 4.): "He who, for some urgent cause and necessity, exposes himself to danger, or allows himself to be in it, although he would not otherwise, is not so much said to love danger, as to undergo it unwillingly; and therefore God will provide more carefully that he may not perish."

69. Hence, it is rightly said that those who do not wish to abandon some office, business, or home in which they have been accustomed to sin, because they cannot leave it without serious detriment, are well able to receive absolution, provided they have a true intention of amending themselves and of employing the means necessary for amendment; such are, for example, surgeons who have fallen into sin in treating women, or parish priests who have fallen into sin in hearing their confessions, if, having abandoned these duties, they could not live according to their state (Lib. 6. n. 453. in fin.). But all agree that it is advisable in such and similar cases to postpone absolution, so that the penitent may at least be more diligent in carrying out the prescribed remedies.

However, I believe that the confessor not only can, but also ought to

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postpone absolution, whenever and as often as it is convenient, especially when the matter in question is of a shameful nature; for he is bound, as it were, to apply more suitable remedies, just as a physician would; and I believe that no more suitable remedy can be found for one who remains in the immediate vicinity of temptation, than to postpone absolution to him, since it is abundantly clear from experience that many, after receiving absolution, neglect to carry out the prescribed remedies, and thus easily...

[*Latin ed. p. 68*]

They relapse. Conversely, when absolution is withheld from someone, that person will be more vigilant in fulfilling their penance and in resisting temptations, for fear of being dismissed again without absolution when they return to the confessional. Perhaps someone will consider me too strict in this; but I have always acted in this way in practice, and I will continue to act in this way with those who are in a proximate state, even if the necessity is apparent, and even if they exhibit extraordinary signs of sorrow, unless a special necessity to absolve them immediately is shown to me; and in this way, I believe it is far more beneficial to the salvation of penitents. Oh, if all confessors acted in this way, how many sins would be avoided, and how many souls would be saved! I maintain what I have said above: When it is a question of freeing a penitent from a formal sin, the confessor should adopt more lenient opinions, insofar as Christian prudence allows; but when lenient opinions bring the danger of a formal sin closer, as happens in cases of proximate occasions in this matter, I say that it is certainly expedient, and sometimes necessary, for the confessor to use stricter judgments, for then these are of much greater benefit to the salvation of souls. Moreover, if someone, remaining in a state of necessity, always relapses in the same way, even after remedies have been applied, and there is little hope of amendment, then I say that absolution should be denied to this person until the occasion is removed (Ibid. n. 457). And here, I believe, the precept of the Gospel is relevant: "If thy eye offend thee, pluck it out" (Mark 9:46). Except in the case where the penitent exhibits signs of sorrow so extraordinary that a prudent hope of amendment can be conceived (Lib. 6. n. 457. in fin.).

CHAPTER V. How the confessor should behave towards habitual sinners and relapsed individuals?

70. Habitual sinners must be distinguished from relapsed individuals. Habitual sinners are those who have contracted a habit in some sin of which they have not yet confessed. These, as the Doctors say (l. 6. n. 459), can be properly absolved the first time they confess of this evil habit, or if they confess of it after having retracted, provided that they are disposed by true sorrow and a firm purpose.

[*Latin ed. p. 69*]

The means employed must be efficacious for amendment; but if the habit

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is deeply rooted, even the confessor may postpone absolution, in order to ascertain how steadfast the penitent is in putting the prescribed means into practice, and so that he himself may come to a greater horror of his vice. It should be noted here that five times in a month can already constitute a bad habit in some external sin, provided that some interval occurs between them. And in matters of fornication, sodomy, and bestiality, a much smaller number of occurrences can constitute a habit; for example, if someone were to fornicate once a month, he could well be considered habituated.

74. Relapsed persons are those who, after confession, relapse into the same, or nearly the same, sins without amendment. These, as is commonly taught (Ibid. v. Recidivus), cannot be absolved, if they offer only the ordinary signs, namely, if they merely confess, promise to repent, and propose, as is stated in Proposition 60, condemned by Innocent XI. For the habit contracted, and the relapses of the past without any amendment, give strong suspicion that the sorrow and purpose which the penitent claims to have are not at all true. Therefore, absolution should be postponed for some time, until a prudent sign of amendment appears. And in this matter, the ruin of souls is to be lamented, because of so many bad confessors, who indiscriminately absolve so many relapsed persons, who, having found confessors who always absolve them so easily, lose the fear of sinning, and continue to rot in the mire of venial sins until death.

Some Doctors (Lib. 6. n. 449. v. Dicunt) admit that a relapsed person can be absolved with only the ordinary signs, up to the third and fourth time; but I have never been able to agree with this opinion, because a person who relapses after one confession without amendment is already a true relapsed person, and gives a well-founded suspicion of his indisposition. And it should be noted here that this rule applies even with regard to venial sins; although it is commonly admitted that it is easier to absolve those who fall into minor sins, because their opportunities are more frequent; nevertheless, when it is the common opinion (l. 6. n. 449. Dub. 1) that it is a grave sin, and sacrilege to receive absolution over lightly confessed persons without true sorrow and purpose, it is not sufficient to be sorry about the multitude or the excessive number of such sins, Tom. IX.

[*Latin ed. p. 70*]

It is to be feared that such confessions, as we have shown (Ibid. Dub. 2.), contrary to the opinion of some, may be sacrilegious, or at least invalid. Therefore, the confessor must diligently take care not to indiscriminately absolve such penitents; for then, even if they are in good faith, they cannot be excused from sacrilege, by granting absolution to those who may not be sufficiently disposed to receive it. Therefore, if the confessor wishes to absolve a penitent without sin, he must either prepare him to feel sorrow, especially for some slight fault, from which he is more horrified; or he must suggest to him that he confess some more serious sin from his past life,

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against some precept (for it is sufficient that he confess in general terms, without specifying the number); so that he may have a certain matter upon which absolution can be based; otherwise, even for this penitent, absolution should be postponed for some time.

72. I say "for some time," because it is not necessary to postpone absolution for relapsed sinners, whether for slight or serious faults, for years or months, as Juvenius too rigidly desires (See book 6, chapter 463); but it will be sufficient if the sin proceeds from intrinsic weakness, to delay absolution for eight or ten days, as the learned Author of the book published in Rome, entitled "Istruzione per li novelli confessori" (Part 1, chapter 9, paragraph 215) says; and the same Author says in the booklet accepted throughout Italy, entitled "Istruzione per li novelli confessori di terre, e villaggi" (Chapter 1, § 4), where, for this doctrine, he cites Louis Habert (In Praxi Pœnit. tr. 4, p. 417). They add that a delay of a month is excessive and dangerous, because after so much time, it becomes difficult for such penitents to return. And this judgment is favored by Benedict XIV in the Apostolic Bull, where, speaking of confessors who postpone absolution to properly repentant individuals, he then warns them: "Let them be invited to return as soon as possible, so that, having returned to the sacramental forum, they may be granted the benefit of absolution." Note the words, "as soon as possible," and "may be granted." In summary, absolution may be postponed for up to fifteen or twenty days. But an exception must be made for those who confess during the time of the Paschal precept; for these, a longer period of experience is required, since there may be a just suspicion that these abstain from relapse rather to avoid censure than from a true purpose of changing their lives. It is necessary...

[*Latin ed. p. 71*]

Moreover, one must also receive those who have fallen into sin due to an immediate external occasion; for these require a greater period of penance, since the occasion, as was said in the preceding chapter, is a stronger incentive to sin. However, the experience of a month is always sufficient. Nevertheless, the confessor must take care not to say to the penitent, "Do not return until after a month"; for this, due to such a long delay, will greatly terrify him. Rather, he should urge him to return after eight, or fifteen days, and thus, in a gentle manner, lead him to receive absolution at the end of the month.

75. Therefore, for the absolution of those who have relapsed, ordinary signs of sorrow and purpose are not sufficient, but extraordinary ones are required; which, according to common opinion (Lib. 6, n. 459, see *Recidivus*), certainly suffice for granting absolution; for that extraordinary sign (provided it is solid and well-founded) removes the suspicion of indisposition, which arises because of relapses. The Bishops of Belgii, convened in the year 1697, rightly stated in a decree issued for the guidance of con-

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fessors in their dioceses, speaking on this point: "In the conversion of a sinner, one must consider not so much the measure of time, as the sorrow" (Croix, *l. s., p. 2, n. 1825). Hence, they forbade confessors, by a firm law, from requiring from penitents who are still relapsed a notable period of time before absolving them. And rightly so, for the mere proof of time is not the only sign of a changed will, since the will of the sinner changes by the power of divine grace, which does not require time, but sometimes acts immediately; therefore, the change of will can well be recognized by other signs, without the experience of time. Indeed, other signs of the actual disposition of the penitents, sometimes manifest the change of will much better than the proof of time; for such signs directly show the disposition, while, on the contrary, the experience of time shows it only indirectly, since it often happens that someone has abstained from sin for a long time, and yet is still indisposed. Therefore, the author of the cited book, *Istruzione per li novelli confessori*, says (Part I, ch. 15, n. 536): "If the fall arises from one's own weakness, without any other voluntary external cause, it is almost temerity to say that every relapsed person is indisposed" (1). And elsewhere (Part I, ch. 9, n. 213), he says that (1) "If someone is a relapsed person because of weakness of spirit, without an external voluntary cause, it is almost rash to say that he is indisposed."

[*Latin ed. p. 72*]

A relapsed sinner, due to the force of the evil habit, ought always to be absolved, provided he demonstrates a firm will to employ the means for amendment, as follows: We judge that to do otherwise would be too severe, and that the confessor, acting in this way, would stray from the spirit of the Church, and of the Lord, and from the nature of the Sacrament, which is not only a judgment, but also a salutary medicine (1). 74. There are, however, other signs, as the Doctors teach (Lib. 6, n. 460). I. A greater sorrow manifested through tears (provided they are true compunction), or through words proceeding from the heart, which can sometimes be more certain signs than tears. II. A smaller number of sins (understand this when the penitent has been at fault in the same occasions and temptations to sin); or if the penitent has persevered in grace after the last confession for a notable time, say for 20 or 25 days, having previously fallen several times in a week; or if he has relapsed after great resistance; or even if, before approaching confession, he has abstained for a long time from mortal sins. III. Diligence employed for amendment, such as if the penitent diligently avoids occasions, and carries out the means prescribed by the confessor; or if he employs fasts, prayers, almsgiving, etc., to eradicate the vice. IV. If he asks the confessor for remedies, or new means for amendment; also, if he promises to fulfill the means that the confessor suggests to him at that time; especially if he has never been advised to use them; but I do not believe that one should entirely trust these promises if other signs are lacking, since

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penitents, in order to obtain absolution, easily make promises, but afterwards find it difficult to keep them. V. Spontaneous confession, namely, if the penitent comes not merely to fulfill the Paschal precept, nor out of some self-interest by confessing, at certain times, such as on the Nativity of the Lord, on the feasts of the Blessed Virgin, and similar occasions, nor is he prompted by parents, by a lord, or by a teacher; but comes entirely spontaneously, and truly inspired by divine light, solely for the purpose of receiving divine grace.

(1) That is: We judge that to act in this way would be excessive severity, and that a confessor acting in this manner would stray from the mind of the Church and of Christ the Lord, and also from the nature of the sacrament, which is not only a judgment, but also a salutary medicine.

[*Latin ed. p. 73*]

I. Especially if he has undertaken a long journey to confess, has abstained from a notable profit, has endured a serious hardship, or has overcome a great internal or external conflict.

II. If the movement arises from some extraordinary impulse, such as a sermon heard, or the death of a friend, or from fear of some imminent punishment, such as an earthquake, plague, etc.

III. If the penitent confesses past sins through silent shame.

IV. If the penitent, before approaching, has restored the thing or sum taken away.

V. If, because of the admonition of the confessor, he shows that he has grasped a new understanding and horror of his sin, and of the danger of his damnation.

Others add other signs, such as if the penitent willingly accepts a great penance; if he asserts that he has repented of the sin immediately after committing it; if he protests that he would rather die than sin. But I do not know if these signs alone are sufficient; rather, I would say that they could serve to support other signs, which alone would not be sufficient.

75. Finally, there is always some sign by which it can prudently be judged that the penitent has changed his will, and he can then be absolved; for although the confessor must be morally certain of the disposition of the penitent in order to absolve him, it must be noted that in other sacraments, in which the matter is physical, physical certainty is also required; but in this sacrament of penance, since the matter is moral, namely the acts of the penitent, moral certainty is sufficient, or relative, as has been proven (l. 6. n. 57. et 461.); that is, it is sufficient that the confessor have a prudent probability of the disposition of the penitent, without any prudent suspicion to the contrary, otherwise it would be difficult for any sinner ever to be absolved, for all the signs of penitents are nothing other than a certain probability of their disposition.

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The author (of *Istruzione per li. nov. confessori*) says: "Nothing is required to administer penance other than a prudent and probable judgment of the disposition of the penitent; therefore, if the circumstances do not establish a prudent doubt that he is not sufficiently disposed, the confessor should not trouble himself, nor the penitent, to obtain evidence that is impossible" (Part 1, ch. 15, n. 560).

(1) That is: To administer the sacrament of penance, nothing is required other than a prudent and probable judgment of the disposition of the penitent.

[*Latin ed. p. 74*]

Here it must be noted concerning the evil habit, that relapsed sinners in blasphemies can more easily be absolved than in other sins, such as hatred, theft, or lust, in which the habit is more firmly rooted, due to the greater concupiscence, or inclination, found in those sins.

It is said that the confessor can grant absolution to the habitual and relapsed sinner, when the latter appears to be disposed by an extraordinary sign; but it is not held to be necessary, because he can also postpone absolution, if he deems it expedient, as the Doctors commonly teach (Lib. 6, n. 462); indeed, although the penitent, after confessing his sins, has the right to absolution, he does not have the right to be immediately absolved; for the confessor, like a physician, can, and sometimes must, postpone absolution, when he judges that such a remedy will be necessary for the salvation of the penitent. But is it expedient to use this remedy ordinarily, or not without the consent of the penitent? It is certainly not expedient, if he sees that delay can bring more harm than benefit; and the Doctors say the same when, due to the delay, the penitent would have to suffer some infamy or danger (l.c. n. 463). Outside of these cases, some prefer to postpone absolution to such relapsed sinners. However, others generally consider it rarely expedient; and this is also the opinion of the renowned Missionary of our time, Father Leonard of Port Maurice, in his learned discourse published in Rome, entitled "Discorso mistico, et morale." Nevertheless, it is better to say that in this matter, no certain rule can be established, but the confessor must conduct himself according to the circumstances at hand. Let him commend himself to God, and do as he feels inspired to do. I think this: If the penitent has relapsed due to an intrinsic weakness, as happens in sins of anger, hatred, blasphemies, softness, or lingering pleasures, I say, with the common opinion of the Doctors (Ibid.), that it is rarely expedient to postpone absolution to a relapsed sinner, when he is disposed; for it should be hoped that the grace of the sacrament will be more beneficial to him than the delay of absolution. If, however, prudent considerations do not suggest that the penitent is not sufficiently disposed, neither the confessor nor the penitent should be troubled, but rather, as much certainty

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as possible should be obtained.

[*Latin ed. p. 75*]

77. I say this from the inherent weakness [of the soul]; for otherwise, one who has fallen due to an external occasion, even if necessary, should be treated differently than one who falls due to an internal fault. For an occasion excites a more lively concupiscence, and the presence of a companion stirs the senses more strongly, and makes the inclination to sin more intense, than does the internal corrupt habit; and therefore, the penitent who has fallen due to an external occasion must exert a great effort, not only to overcome the temptation, but also to remove himself from the familiarity and presence of the companion, so that the danger may be made distant. And this is all the more true if the occasion is voluntary, and it should be entirely removed, because then, the one who receives absolution, before removing the occasion, remains in great danger of breaking the resolution made to remove it, as we showed in the preceding chapter, n. 65. Conversely, in the case of an internal cause, the danger of violating the resolution is greater, because, on the one hand, there is no external object that urges him so violently to sin; and, on the other hand, he does not voluntarily retain the evil habit, as he can voluntarily remove the occasion; hence, in such a case, God helps the one with the bad habit more, and therefore, more than from a delay of absolution, one can hope for an amendment from the grace of the sacrament, which will make him stronger, and will make the means that he himself employs to eradicate the habit more effective. For why, as the Salmanticenses rightly say (De Pœnit., c. 5, n. 68, at the end), should the delay of absolution be more beneficial to a sinner who lacks grace, than the absolution of a friend of God who has received grace? And Cardinal Toletus (Lib. 3, c. 45), speaking precisely of the sin of pollution, believes that there is no more effective remedy for avoiding this vice than to frequently avail oneself of the sacrament of penance; and he adds that this sacrament is the greatest restraint for those who commit such sins; and he says that those who do not use it do not promise themselves amendment except by a miracle. And in fact, St. Philip Neri (as is read in his life, Cap. 6, n. 2) made frequent confession the chief means for those who relapse into this vice. This is also confirmed by what is said in the Roman Ritual, when dealing with penance: "It is most useful for those who easily relapse into sin to seek frequent confession; and, if it is appropriate, to receive Holy Communion." And by saying "those who easily relapse," it certainly means those who have not yet attained a virtuous state.

[*Latin ed. p. 76*]

It is necessary to eradicate the habit. Some authors, who seem to desire to save souls solely through the path of strictness, say that the relapsed become worse when, before their amendment, they are absolved. But I

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would like to know from these masters of mine, whether all the relapsed, when dismissed without absolution and lacking the grace of the sacrament, all become stronger, and all are amended. How many miserable souls have I known in the exercise of the missions, who, dismissed without absolution, have abandoned themselves to vices and despair, and for many years have neglected to confess! However, I repeat: each one must direct himself according to the light given to him by God. It is certain that in this matter, those who are too lenient are more mistaken than those who are difficult in granting absolution. Indeed, many are to blame for the excessive leniency with which they proceed, which is why so many souls are lost (and it cannot be denied that these are in greater number, and cause greater damage, since they are joined to the number of those already given to vice); but others, through excessive rigor, are also greatly detrimental to the salvation of souls. And I do not know whether a confessor should only feel scruples when he absolves the indisposed, and not also when he dismisses the disposed without absolution. I conclude here, and say: I do not deny that, at times, a delay in absolution can be beneficial to a disposed relapsed person. Secondly, I say that it is always beneficial that a confessor should frighten such relapsed persons, and should show that he cannot absolve them. Thirdly, ordinarily speaking, to relapsed persons, from intrinsic weakness, and who already show an extraordinary disposition, the benefit of absolution will be more advantageous than a delay. Oh, that confessors would absolve relapsed persons only when they show signs of an extraordinary disposition! It is a lamentable thing that the majority of confessors universally absolve relapsed persons without distinction, without any sign of extraordinary disposition, without any warning, and without offering any remedy for amendment; and from this, truly, proceeds the universal ruin of so many souls, already disposed for absolution. 78. However, what has been said, generally speaking, about those given to vice and relapsed persons, does not apply to those who, having been given to vice, are to be initiated into the sacred orders (especially in a shameful sin); for these, another rule applies. A lay person given to vice can be absolved, always and when he is disposed to receive the sacrament of penance, but one given to vice who is to be ordained—

[*Latin ed. p. 77*]

Moreover, if he desires to ascend to the sacred order, it is not sufficient that he be disposed to the sacrament of penance, but he must also be disposed to receive the sacrament of orders; otherwise, he will not be disposed for either. For he is unworthy to ascend to the altar who scarcely emerges from the state of sin, and who does not possess positive virtue, which is necessary with respect to the sublimity of the state into which he is to be admitted. He gravely sins, therefore, if he desires to receive the sacred order without this virtue, even if he is in the state of grace. Therefore, at

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that time, the confessor cannot absolve him, unless he promises to abstain from receiving the order, to which he cannot ascend, except after a long period of time, at least of several months, of probation. This has been fully demonstrated in the Dissertation included in the work (Lib. 6, n. 65), as well as by the common opinion of Doctors (Ibid. n. 68), who are quoted there, who teach that for receiving the sacred order, common goodness, that is, simple immunity from mortal sin, is not sufficient, but a special goodness is required, by virtue of which he must be cleansed from bad habits, as taught by D. Thomas (2. 2. qu. 189, art. 1, ad 3): "Sacred orders require sanctity... therefore, the weight of orders must be imposed upon those who have already been dried up by sanctity..., that is..., from the moisture of vices." And the reason is, because if the one being ordained does not have this special sanctity, he is unworthy to be constituted over the people, to exercise the highest ministries of the altar. "Just as those who receive the order are constituted over the people by the degree of the order," says the same Saint, "so also they should be meritorious by sanctity" (Suppl. qu. 35, art. 1, ad 3). And elsewhere (2. 2. qu. 184, art. 8), he confirms this reason more explicitly, saying: "Because by the sacred order one is appointed to the most worthy ministries, by which he himself serves Christ in the sacrament of the altar, for which a greater interior sanctity is required than is required even for the state of religion."

However, an exception is made in the case in which someone is granted such extraordinary compunction by God, that it frees him from ancient frailty; for, as the same Angelic Doctor says (3. p. qu. 86, art. 5, ad 1): "Sometimes God so converts the heart of a man, that he suddenly and perfectly attains spiritual sanctity." Such conversions are indeed rare, and especially in those being ordained, although they may seek entrance into a religious house, in order to perform spiritual exercises; for these, for the most part...

[*Latin ed. p. 78*]

Not driven by a desire for penance, but compelled by external circumstances, they approach; but when someone truly receives such great grace from God (whose mercy is wondrous), that it transforms him so completely, that although he may still feel some evil inclination, he nevertheless conceives a great horror of sin, and at the same time clearly perceives a notable diminution of the fire of concupiscence within himself, so that, fortified by grace, he can easily begin to resist temptations; and moreover, he firmly resolves for the future not only to avoid sins and occasions, but also to embrace more suitable means for living as befits a priest, and he has already begun to pour forth fervent prayers for his perseverance, with great and such confidence in God, that he feels morally certain of a significant change in his life; in such a case, the confessor can, with good reason, absolve him, even if he himself wishes to receive the

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sacred order immediately after confession. However, even though the penitent in such a case may have great compunction, the confessor should, as much as possible, strive to persuade him to postpone the reception of the Order, so that he may better cleanse himself of evil habits and better carry out the intentions he has conceived. Indeed, for this purpose, if he is unwilling to postpone the reception, the confessor can, as a physician, even delay the absolution itself, for the greater benefit of the penitent, so that he may postpone the beginning of the reception of the order. However, this must be understood, so that through such a delay, he does not incur the danger of any infamy or stigma; for then (as noted in number 69), the penitent has the right to be absolved immediately. Furthermore, confessors should be strict, as far as possible, in absolving those who are to be ordained, and who afterwards turn out to be the worst, and thus bring great harm to the people and to the Church (see book 6, number 69).

CHAPTER VI. How the confessor should behave with penitents who have incurred some censure, or a reserved case, or the obligation to denounce, or a diriment or impedient impediment to marriage.

80. E t I. With regard to censures, if someone approaches having incurred a censure, or a reserved case, concerning which the confessor...

[*Latin ed. p. 79*]

He does not possess the authority, as we have already stated, to perform the act of charity whereby the confessor approaches the Bishop to obtain the necessary authority. The Bishop, however, by virtue of Canon 81, Session 24 of Trent (see book 7, number 75), can absolve all reserved papal cases, whether hidden or not. And he can delegate this authority to other confessors, even generally, provided that he specifically designates them to absolve such cases (ibid., number 95), except for heresy and other cases reserved by the Bull of Celibacy (ibid., number 82); unless the penitent is prevented from going to Rome; in which case, the Bishop can absolve from all papal cases, even public ones (book 7, number 84), and also from heresy and other cases reserved by the Bull of Celibacy (book 7, number 84). Furthermore, Bishops can absolve from excommunication for a slight offense committed by a cleric or monk, and also for a grave offense, if the one who committed the offense is a woman, according to canons "Ea noscitur" and "Mulieres, de sent. excomm." Also, they can absolve from excommunication for causing an abortion of a living fetus, by virtue of the Bull of Gregory XIII, which begins "Romana Sedes"; also, from excommunication for receiving communion in the same offense as those who are excommunicated, by the same Bishops; also, from excommunication incurred by lesser brothers who admit into their churches brothers of the third order for divine services; and finally, from all censures which Bishops reserve for themselves. (book 7, number 213). Regular clergy, however, can also absolve laypersons from hidden papal cases (book 7, number 96), except

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for the six cases of Clement VIII (from which, however, Bishops can absolve them properly, when they are hidden), namely: 1. Assaulting a cleric. 2. Duels. 3. Violation of ecclesiastical immunity. 4. Breaking the enclosure of nuns. 5. Real simony. 6. Confidential simony. The authority regarding the aforementioned cases, with respect to regular clergy living outside Rome and within Italy, was expressly removed by the aforementioned Pontiff (loc. cit., number 99). Although regular clergy cannot absolve laypersons from cases reserved by Bishops (book 7, number 98), they can, with a more probable opinion, absolve from cases reserved to Bishops by the Pope (loc. cit., number 99), except always for the six cases of Clement, as mentioned above. Regarding their own subjects, they can absolve them from all cases reserved by the Pope, even public ones, and also from cases reserved by the Bull of Celibacy, except for—

[*Latin ed. p. 80*]

Having fallen into heresy, through the falsification of apostolic letters, and through denunciation of the prohibited to the infidels, by concession granted to the Prelates of the Order of Preachers, and through communication with other Orders in the bull, *Pretiosus*, issued in the year 1727. Furthermore, it was conceded to the entire Order that it alone could grant dispensation from such irregularity (that is, arising from homicide) to its own brethren, provided that the homicide had not been formally charged, and that the act had been consummated within the cloister. (Book 7, paragraphs 101 and 104).

82. It should be noted here that if someone is ignorant of a papal reservation, neither he nor the *casus* itself incurs the reservation, because papal reservations are primarily reserved because of the censure (Book 6, paragraph 580); in contrast to episcopal reservations, in which, even if one is ignorant of the censure, the reservation is incurred; because Bishops primarily reserve the *casus* (Ibid.); and this even if the reservation itself is unknown, as we have demonstrated (Book 6, paragraph 581). Moreover, no censure is incurred by one who is invincibly ignorant of it (Book 7, paragraph 43). Also, it should be noted that when someone has confessed sacrilegiously during the Jubilee, the reservation is not removed, as has been demonstrated, especially from the declaration of His Holiness Pope Benedict XIV (Book 6, paragraph 537, Question II). And we have affirmed (Ibid., v. *Si autem*), if the confession was invalid, speaking of the Jubilee; but outside the Jubilee, if someone has confessed invalidly to a confessor who had the power over reserved sins, the more common and probable opinion is that he remains absolved from the reservation (Book 6, paragraph 598, Question IV). It is also a more common and quite probable opinion that the penitent is absolved from the reservation, even if the confession was sacrilegious, provided that he did not culpably fail to mention, especially, the reserved sin (Ibid.).

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83. II. Regarding the obligation to denounce, the confessor should note that he is bound under a grave penalty to impose upon the penitent the obligation to denounce to superiors someone who has seriously proposed, or uttered, a heretical blasphemy, with error of judgment and pertinacity, and not merely because of ignorance, carelessness, or a slip of the tongue; for in that case, it is sufficient that the penitent warn him of his error (Book 3, paragraph 254, Note II). Furthermore, he should impose upon women, or children, the obligation to denounce confessors who have solicited them for immoral acts, or who have treated them inappropriately. Observe.

[*Latin ed. p. 81*]

In the books where this matter is distinctly discussed (Book 6, paragraph 675), but concerning practice, let the confessor take note of the following: 1. In this matter of solicitation, one must not be too hasty in imposing upon the penitent the burden of denunciation, for if there is doubt whether it was indeed solicitation, such a burden should not be imposed (Book 6, paragraph 702); unless the words or actions, in themselves, clearly indicate solicitation, and the only doubt concerns the intention of the one soliciting; or if there are strong indications, though not conclusive evidence, of solicitation, without any indications to the contrary; in such cases, one may, in some way, establish a moral certainty (Ibid., see Exception). Let it be noted 2. that one should not be easily inclined to impose upon oneself the burden of denunciation, except in some rare case, in which charity might prompt one to do so, because of the great difficulty which the penitent would have in informing the proper authorities. Let it be noted 3. that one must never fail to impose upon a penitent who has been solicited this obligation of denunciation, even if one foresees that the penitent will not fulfill it; for it is directly commanded by the Holy See that one impose upon the penitent the obligation of denunciation (Book 6, paragraph 694). Therefore, until the penitent fulfills it, it is fitting to delay granting absolution. And if the confessor doubts whether the penitent will be able to fulfill it with difficulty, then one should certainly delay granting absolution. However, one may absolve him if the penitent is, for the time being, prevented, and has a firm intention of denouncing as soon as it is convenient (loc. cit., paragraph 693). Such denunciations must be made at least within a month (Ibid., see: "However, this must be noted"). Also, it should be noted that by order of His Holiness Pope Benedict XIV (Book 6, paragraph 491), it is the duty of each confessor to denounce the person who he knows has obligated the penitent to reveal a delict, unless that person has done so out of mere simplicity or imprudence. Finally, it should be noted concerning the denunciations of laypersons, that in our kingdom of Naples, due to the influence of our King Charles III, there is no obligation to denounce, except when there is involved an abuse of the Most Holy Eucharist or of Holy Oil (Book 5, paragraph 253, in the footnote). 84. III. As for impediments to

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marriage, when a penitent has some impediment, and the marriage has not yet been consummated, it is necessary to distinguish further: If the impediment is of consanguinity, or spiritual affinity, or of affinity arising from a licit marriage up to the fourth degree, or of public decency, even if it was concealed, the confession...

[*Latin ed. p. 82*]

He must more strictly examine the penitent, either to ascertain the existence of an impediment, or to report it, or to obtain a dispensation from the Sacred Penitentiary. However, if the impediment arises from an affinity resulting from an illicit union with a relative of the spouse up to the second *gradum*, provided that the union has been consummated with perfect generation (cf. Book 6, nos. 1056 and 1073), or if the impediment arises from a crime, namely, the murder of a spouse by both parties conspiring, or murder accompanied by adultery, or adultery accompanied by a violation of the marriage bond, or an attempted marriage, as is clearly stated in the book (cf. Book 6, no. 1053); in these cases, since the impediment is always hidden, a dispensation must be obtained from the Sacred Penitentiary. The same applies if the penitent has an impediment of a vow, of chastity, or of religion. However, if there were some very urgent reason in a rare case, namely, the imminent threat of scandal, quarrels, or infamy, and time or opportunity were lacking to appeal to the Sacred Penitentiary, then even in that case, the Bishop could grant a dispensation (cf. loc. cit., no. 1122). And if there were no means of reaching the Bishop, note what is said in the book (cf. Book 6, no. 612, see also here, and above, no. 8, 85). If, however, the penitent has already contracted an invalid marriage due to a dispelling impediment, then if the impediment arises from a lawful union, the provisions of Book 6, no. 1124, must also be observed; but if it arises from an illicit union, or from a crime, and the penitent is acting in good faith, and there is present the danger of death, scandal, or incontinence, if the impediment were to be revealed, then, in this case, the confessor must conceal the impediment, and in the meantime, must seek a dispensation from the Sacred Penitentiary; once obtained, he must reveal the impediment, and then he must carefully consider with the penitent the means by which the marriage can be revalidated. For this revalidation, the assistance of a parish priest and witnesses is not required, as has been demonstrated (cf. loc. cit., no. 1110); but as we have said (cf. Book 6, no. 1113), the party who is aware of the impediment is bound to inform the other party of the nullity of the marriage, according to the usual clause of the Sacred Penitentiary: "That the woman be informed of the nullity of the previous marriage, etc." And therefore, by itself, it is not sufficient to fulfill this clause, what some Doctors admit, namely, to say: "If you had not led me, would you be leading me now?" Or: "Tell me, I want you." Or: "For my consolation, let us renew our consent." For such a consent is always dependent on the prior consent,

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which was.

[*Latin ed. p. 83*]

No formula is required. Nor is it sufficient, as some say, to simply state, even with marital affection, "We are married." However, it will suffice to say: "Our marriage was invalid due to a certain circumstance (since there is no obligation to manifest the nature of the impediment), let us renew our consent." Or: "When I took you, I did not have true consent (for consent is not true consent if there is no consent)." Or: "I have doubts about the validity of our marriage, therefore let us contract it again." Because the consent given at that time does not depend beforehand on any prior condition. However, if prudent fear existed that by using these methods, a crime might be revealed, and dangers of quarrels, infamy, or scandal were present, and the spouse aware of the impediment could not be excused from fulfilling his duty, then, after the dispensation has already been granted, it suffices for him to use one of the methods mentioned above; and it suffices for him alone to give his consent, since in such a necessity he can follow the teaching that it is well to join his consent to the marriage in order to validate his consent with the consent originally given by the ignorant party, who virtually perseveres through the continuation of the marriage or cohabitation (lb. 86). If, however, the penitent had an impediment that prevented him from fulfilling his duty, namely, the marriage contracted with a relative of the second degree of his wife, he must be absolved from this impediment, either by the Sacred Penitentiary, or by the Bishop, or by any regular confessor who has the authority from his superior. (L. c. n. 1076. See also). But if the penitent was ignorant of the ecclesiastical law that prohibits such incest, then he does not incur the impediment (Lib. 6. n. 1072.); indeed, even if he knew the law, but was ignorant of the penalty, it is also probable that he does not incur it (l. c. n. 1074.), at least if there is a danger of incontinence, the penitent must be left in his good faith.

87. Let us note here the formulas for obtaining a dispensation from the Sacred Penitentiary in these impediments, as well as for vows or irregularities. Regarding impediments to marriage, the following should be written inside: "Most Eminent and Reverend Lord. N. N. had relations with a certain woman, and afterwards contracted a marriage with her sister. The impediment is hidden, and if the marriage had not taken place, more scandals would have occurred. Therefore, he supplicates Most Eminent V. to deign to grant him a dispensation..."

[*Latin ed. p. 84*]

To proceed: Favor the response indicating that [N.N.] should travel to Neapolis (or Aversa, via Neapolis) to [N.N.] (here, the name and surname should be expressed), a confessor approved by the authorities, etc. If, however, the marriage has already been entered into, it should be written thus:

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[N.N.], ignorant (or aware) of the impediment, contracted marriage with [N.N.], whose mother (or sister) he had previously known carnally. Therefore, since the impediment is hidden, and separation cannot be achieved without scandal, he implores the Most Eminent [Venerable] [Father] for absolution and dispensation, etc. Concerning vows of chastity: [N.N.] made a vow of chastity, but is now in grave and imminent danger of incontinence; therefore, he implores the Most Eminent [Venerable] [Father] to deign to dispense him from said vow, so that he may enter into marriage, etc. In a similar manner, one should generally write regarding a dispensation from a vow of religious life. And it should be noted that for a dispensation from a vow of chastity, any common danger of incontinence is not sufficient, but a grave and imminent danger is required, as we have indicated. Concerning irregularities: [N.N.], a priest, has incurred an irregularity due to homicide (or violation of censure, etc.); and since there is a danger of infamy if he abstains from celebrating the sacraments, he therefore implores, etc. At the top of the letter, place: To the Most Eminent and Reverend Lord, Most Venerable Lord Cardinal Penitentiary Major, in Rome. 88. The confessor, or he to whom the execution of the dispensation has been entrusted, after imparting sacramental absolution, may use the following formula in granting the dispensation: Furthermore, by the authority of the apostolic see granted to me, I dispense you from the impediment of the first (or second, or first and second) degree, arising from the illicit union you had (or intend to have) with the sister of the woman with whom you contracted (or intend to contract) marriage, so that you may again contract marriage with her, with renewed consent, and I declare the offspring, if any you will have (or have had), to be legitimate. In the name of the Father, etc. If the dispensation is for a vow of chastity, he says: Furthermore, I exchange for you the vow of chastity which you made, so that you may be able to contract marriage and use it, for the works which I prescribe to you, by granting this dispensation. In the name, etc. And if anyone, despite a vow of chastity, has contracted marriage...

[*Latin ed. p. 85*]

"Moreover, notwithstanding the vow of chastity which you have made, I grant that you may remain in the state of matrimony, and may exercise the marital debt, with the authority of the Apostolic See dispensed to you. In the name, etc." (89) "Concerning in which cases the Holy Penitentiary can absolve, or dispense from papal cases, censures, irregularities, vows, oaths, uncertain restitutions, etc., see the book (Lib. 7, n. 470). And concerning in which cases it can dispense in impediments to marriage, see (Lib. 6, n. 1144.) CHAPTER VII. How should the confessor behave with persons of different kinds? IF... How with children, adolescents, and young women? (90) "With children, he should use all charity, and the gentlest methods as much as possible. First, he should ask them whether they know the matters

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of faith; and if they do not know, it is necessary to instruct them patiently at that time, if the opportunity is present, or to send them to another, so that they may at least be instructed in the things necessary for salvation. But when dealing with confession, he should first take care that the children confess their sins from themselves; and afterwards, the following questions may be put to them: 1. Have they concealed any sin out of shame? 2. Have they blasphemed against the Saints, or holy days, or have they sworn falsely? 3. Have they neglected to hear Mass on holy days, or have they been inattentive while hearing it? And have they worked on holy days? 4. Have they been disobedient to their parents, or have they shown them disrespect by rebuking them, raising their hands against them, or speaking harsh words or curses in their presence? And here it should be noted what was said in n. 34, concerning the manner of asking children to ask for forgiveness from their parents. 5. Have they committed any shameful sin? But in this matter, the confessor must be very cautious in questioning: he should begin by asking about general matters, and with general words: and first, whether they have said bad words? whether they have joked with other boys, or girls? And if they have practiced those jokes in secret? Then he should ask whether they have committed shameful acts. Often, even if the children deny it, 7..."

[*Latin ed. p. 86*]

It is beneficial to use suggestive questions, for example: "And now, tell me, how many times have you done this? Five times, ten times?" He should ask them with whom they sleep, and whether they have played games with their hands in bed? He should ask the girls whether they have pursued any young man with affection, and whether there have been any impure thoughts, words, or touches. And from their answers, he should proceed to further questions, but he must be careful not to inquire from girls, or from boys, whether there has been an emission of seed; for with them, it is better to refrain from such matters in the material confession, than to be the cause that they understand things they do not yet know, or that they are placed in a curiosity to learn. He should also ask the boys whether they have brought news or gifts to women? And he should ask the girls whether they have received gifts from suspicious people, namely, married individuals, clerics, or religious. 6. He should ask whether they have committed theft, or whether they have caused damage to the property of others, to animals, or in any other way? 7. Whether they have slandered anyone? 8. Regarding the precepts of the Church, he should ask whether they have fulfilled confession and the Paschal communion? And whether they have eaten meat or dairy products on forbidden days? 9. But with regard to granting absolution to these children, great attention is required. If it is clear that they already have sufficient use of reason, as when they confess distinctly, or answer questions adequately, and it appears that they already

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understand that by sinning they have offended God, and have deserved hell; then, if they seem sufficiently disposed, they should be absolved. But if they are recidivists in mortal sins, they must be treated like adults: therefore, if they do not show extraordinary signs of sorrow, absolution should be postponed for them. If, however, there is doubt whether the child has perfect use of reason, as when, for example, in the act of confession, he is not composed, but looks around, plays with his hands, or interjects irrelevant things; then, if he is in danger of death, or is obligated to fulfill the Paschal precept, he should be absolved conditionally; and all the more so if he has confessed some mortal doubt (Book 6, n. 452, verse IV). For it is well to administer the sacrament conditionally, when there is a just reason, such as this, to free this child from the state of damnation, if he should ever fall (Book 9, n. 28). And this should be done, even if the child is a recidivist; for although absolution should be postponed for those who have perfect discretion, because there is hope that, from such a delay, they will return disposed; but hope...

[*Latin ed. p. 87*]

This is difficult for children who lack the perfect use of reason. And it is probable that many Doctors [of the Church] say (L. c. n. 432, in fine) that these children can, without doubt, be absolved (at least after two or three months) under the condition that, even if they only confess venial sins, they do not long lack the grace of the sacraments, and all the more so the sanctifying grace, if they happen to have some grave fault hidden from themselves. It is necessary, however, to ensure that these children express the necessary act of sorrow in order to receive absolution, and this should be done in a manner appropriate to them, for example: "Do you love God, who is your Lord, so great and so good, who created you, who died for you, etc.? You have offended this God. He wants to forgive you, and you hope that, through the blood of Jesus Christ, His Son, He will forgive you. But you must repent. What do you say? Do you now repent of having offended Him, etc.? Do you know that, through these offenses you have committed against God, you have deserved hell? Do you dislike having committed them? My God, I will never again offend you, etc." This penance should be made as light as possible for these children, and care should be taken to ensure that they fulfill it as soon as possible, otherwise they will either forget it or neglect it. The confessor should also strongly encourage these children to be devoted to the Blessed Virgin, and to recite the Rosary daily, and three times in the morning and evening, always adding this prayer: "My Mother, deliver me from mortal sin."

92. Regarding the true state of an adolescent, the confessor should not presume to determine it for him, but should only, based on the indications, suggest the state to which he believes the young person may be called by God. Especially, when speaking of those who wish to enter religion,

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the confessor should first of all carefully consider in which religious order they wish to enter; for if that institute has ever been lax, it will be better for him (speaking generally) to remain in the world; for by joining such a group, he will behave as others do, and the good that he previously practiced will easily be neglected in such a religious community, as unfortunately happens to many. And the confessor should take great care if he is encouraged by his relatives to suggest to the young person that he enter some such community that is lax in its observances. However, if the religious order flourishes in its observance, the confessor should carefully examine the young person's vocation, inquiring whether the penitent has any impediment of incapacity or infirmity.

[*Latin ed. p. 88*]

Concerning a young man, is it due to the lack of means, or the poverty of his parents? And above all, what is the ultimate goal? Is it truly to become more united with God, or to amend a past life, or to avoid the dangers of the world? If the primary goal were worldly, to lead a more comfortable life, or to free himself from relatives in difficult circumstances, or to please parents who urge him to this, he must be wary lest he allow himself to enter religion; for in such a case, it is not a true vocation, and such an entrance will have a bad outcome. However, if the goal is good, and there is no impediment, then neither a confessor, nor anyone else, as taught by St. Thomas (Quodlib. 3, art. 14), can, without grave fault, prevent or dissuade him from his vocation; although he may sometimes act prudently if he delays the fulfillment of his decision in order to better ascertain whether his resolution is firm and persevering, especially if he knows the young man to be fickle, or if the deliberation has taken place during a time of missions or spiritual exercises: for in such circumstances, certain intentions are conceived which, after the initial fervor has passed, fail.

93. If any young man were to desire to enter the secular priesthood, a confessor should not readily agree, without a long and proven experience of a right intention, and without sufficient knowledge or capacity. Secular priests, indeed, have the same, even a greater, obligation than religious, and they remain in the same worldly dangers; therefore, in order that someone may become a good priest in the world (in which, I say, good men are rarely, if ever, found), he must first have led a life that is truly exemplary, far removed from games, idleness, and bad companions, and dedicated to prayer and the frequent reception of the sacraments (but who is this, and we shall praise him?); otherwise, he will place himself in a state of almost certain damnation; especially if he does so in order to obey the wishes of his parents, whose goal is to increase their domestic affairs. It has already been stated above, n. 33, how grave a sin it is for parents to force their children to enter the ecclesiastical or religious state against their will.

As for young women who desire to consecrate their virginity to Jesus

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Christ, a confessor should not allow them to make a perpetual vow of chastity unless he knows that they are well-grounded in virtues, and instructed in the rules of spiritual life, and especially practiced in prayer. At the beginning, he can only allow them to vow chastity.

[*Latin ed. p. 89*]

For a certain period of time, namely, from the solemnity of one feast day to that of another. 94. Finally, concerning those adolescents who wish to, or ought to, take a wife (I say ought to, as has been demonstrated in the book [Lib. 6, n. 75], when speaking of those who were incontinent, and who were unwilling to employ suitable means to restrain themselves), it should be noted that just as the parents would sin who, without a just cause, would prevent them from entering into a legitimate marriage [l. c., n. 849, see "Convenient"], so, conversely, the children would sin (and therefore the confessor is bound to forbid this to them), who would wish to enter into marriage with dishonor to the family; or, although the marriage were not improper, would wish to contract it against the will of their parents, and to their scandal, unless the children themselves have a just reason for which they may excuse themselves. Observe how this is explained in the book [l. c., n. 849, § II]. How should one behave with scrupulous individuals? 95. Many Doctors propose rules for scrupulous individuals; but it is certain that, after prayer, the greatest, if not the only, remedy for curing them is obedience to their director. Therefore, the confessor should, above all, urge this kind of penitent to follow two principal rules: First, that he should walk safely before God by obeying his spiritual director, where there is clearly no sin apparent; for then he does not obey a man, but God Himself, who said: "He who hears you, hears Me." Thus teach all the Doctors, and spiritual masters, such as St. Bernard, St. Antoninus, St. Francis de Sales, St. Philip Neri, St. Theresa, St. John of the Cross, St. Ignatius of Loyola, Blessed Dionysius the Carthusian, Blessed Humbert, the Venerable Father M. Avila, and many others. The second rule is that he should not be troubled by any other scruple than that which arises from disobedience, because of the great danger to which he exposes himself, of losing not only peace, devotion, and progress in virtue, but also his mind, his health, and, moreover, his soul; for scruples could progress to the point of leading him to despair, by causing him to take his own life (as has happened to many), or to lead him to relax his vigilance. Furthermore, the confessor should suggest to this scrupulous penitent, as the learned author rightly says...

[*Latin ed. p. 90*]

Regarding the care of new penitents (Part 1, no. 76), one must not enter into discussions with God about matters of grace and merit (as is commonly said). The Lord, for our own good, willed that we live in uncertainty about our salvation; therefore, when we exercise moral diligence to avoid

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offending Him, we must entrust our entire care to His mercy; and confessors, knowing that we cannot be saved without His grace, must always ask for it from Him with perseverance, confidence, and peace of mind. "It is better," said St. Francis de Sales, "to walk with closed eyes under divine Providence, amidst the darkness and perplexities of this life." It is fitting that we be content, if we know from our spiritual father that we are walking well, without investigating the reasons. Never has a man perished who obeyed. St. Philip Neri affirmed that he who obeys his confessor may be sure that he will not have to give an account of his actions to God (In vita, book 1, chapter 20). And, on the contrary, St. John of the Cross said: "It is pride and a lack of faith to distrust the words of a confessor" (Trattato delle Spine, collection 4, § 2, no. 8).

96. Finally, the confessor should: 1. Frequently converse with such a penitent about the excessive confidence that we should have in Jesus Christ, who died for our salvation, and in His Most Holy Mother, who is so powerful and merciful to those who commend themselves to her; therefore, he should encourage him to live securely in his salvation, always fleeing to Jesus Christ and to Mary, for certainly they hear. 2. He should forbid him from reading books that arouse scruples, and from associating with scrupulous people; and if anyone is excessively afflicted, he should forbid him from attending sermons filled with terror, and from examining his conscience about those things about which he has a scruple, but irrationally. 3. If the scruple consists in the fear of assenting to evil thoughts (e.g., against the faith, purity, or charity), the confessor should be free and fearless in dismissing it, and should assure the penitent that these thoughts are punishments, not consent, nor sins. And in this, he should especially use that rule assigned by the Doctors (Book 6, no. 479), that when a person is afflicted by a timorous conscience, if he is not more than certain of mortal sin, he should judge that he has not committed it; indeed, as Father Alvarez says, no monster can enter the soul if it dreads it, unless it clearly sees it. Therefore,

[*Latin ed. p. 91*]

It is sometimes beneficial to impose a penance on the scrupulous, lest they accuse themselves of dwelling too deeply on such thoughts, unless they are certain; and that they may be able to testify under oath that they have given their consent. And it should be noted that the scrupulous are not to be governed by particular rules, but by general ones; for the scrupulous never adhere to particular rules in such a way as to find relief, always doubting whether that rule is valid or not for the present case, which always seems to them to be different from that which the confessor assumes.

97. If the scruple concerns past confessions, namely, that they have not sufficiently explained all sins, or circumstances, or that they have lacked sorrow, the confessor, when he observes that the penitent has made a gen-

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eral confession, or has repeatedly recounted the same things for a considerable time, should impose a penance on him, that he no longer deliberately reflect on these things, and that he should not speak of the sins of his past life, unless he can swear that they were certainly mortal sins, and moreover, that he has certainly never mentioned them in confession; for the Doctors teach (Lib. 1, n. 16) that the scrupulous, even if they have omitted some grave sin through inadvertence, are not to be held (at least if they are not certain about it) to such an extent, with so much discomfort and danger, in order to maintain the integrity of confession, from which less discomfort than this has already resulted (Lib. 6, n. 488). The confessor must take care that the penitent obeys exactly, and if he does not obey, he must rebuke him, deny him communion, and strictly restrain him. The scrupulous are usually treated with gentleness, but with them, great rigor must be applied regarding obedience; for if they lose this anchor of obedience, they are certain to incur shipwreck, for they will either become lax, or they will loosen the reins on their vices.

98. If the scrupulous person fears sinning in everything he does, the confessor should instruct him to act freely, and to overcome the scruple; and he should tell him that he is, in fact, obligated to overcome the scruple, always and clearly, unless he perceives that the action is certainly a sin; as the Doctors Segneri teach (Lib. 6, n. 476). It does not matter that he acts with actual fear, which would prevent him from abandoning the scruple (which is almost impossible to demand of the scrupulous); for such fear is not a true dictate of conscience, as Gerson rightly distinguishes, nor is it a true practical doubt; nor does it remove judgment beforehand.

[*Latin ed. p. 92*]

Having been formed (which virtually persists, although at that time it may not be noticed because of the impact of fear), namely, that he himself does not sin, by doing whatever he does, not committing a certain sin, because then he acts not against his conscience, but against that vain fear. Therefore, the confessor should firmly instruct this kind of penitent to overcome and despise the scruple, and to freely do what the scruple forbids him; and furthermore, he should order him never to confess about it again, not even in the slightest degree.

§ III. How to behave with devout persons.

99. With devout persons, who frequently approach for Communion, it is generally advisable to suggest that they at least receive sacramental absolution at least once a week. Such penitents, if they confess only about imperfections that do not amount to certain venial sins, Bonacina says (Lib. 6, n. 452, v. IV, "Si dubitetur"), that they can be absolved under certain conditions; but I do not think this should be admitted, except very rarely, and only when they are unable to specify any certain matters from their past life, or not without great distress. Furthermore, I say that if the penitent

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does not present any certain matter, the confessor should not be anxious to inquire about it in order to absolve him; and if, after having inquired, he finds nothing, he is not obliged to grant him a conditional absolution. This is because the penitent confesses (as I said) about defects, about which there is doubt as to whether they pertain to venial sins; but if he confesses about certain venial sins, but usual or daily ones, such as impatience, intemperance, distractions in work, in prayer, and the like, in order that absolution may be granted to him, it must be considered whether he has ever made any effort to overcome the passion, because then his sins can be judged to have arisen rather from human frailty than from a lack of sorrow or intention. On the contrary, if he frequently and without resistance falls into such sins, then he should be treated as a recidivist; according to what was said in n. 71.

100. Furthermore, the following should be noted: 1. The confessor should take care not to prevent these, his spiritual penitents, especially women, from approaching another confessor; and if he notices that they have approached another, he should show that this is pleasing to him; and he should impose upon them,

[*Latin ed. p. 93*]

As for confessors, let them be cautious lest they, in the presence of others, reveal matters that a penitent might not wish to disclose, unless that penitent is particularly scrupulous, and the confessor has good reason to fear that, should he approach another confessor who is unaware of the penitent's conscience, the penitent would be greatly disturbed. Furthermore, the confessor should take care not to appear overly solicitous, as if he were eager to take charge of the direction of someone's soul.

2. He should never speak of the failings of other confessors without necessity, but rather, he should diligently seek to excuse them for any error they may have committed.

3. He should not accept as a penitent someone who wishes to abandon their previous confessor, unless there is a compelling reason, as taught by Saint Philip Neri, Saint Francis de Sales, Saint Charles Borromeo, and others; for from this, often arise distractions, disturbances, and sometimes even scandals. He should also note that it is not sufficient reason to change confessors merely because the penitent feels some aversion towards him, or because it appears that the penitent no longer has faith in his words; as Saint Teresa says, this is often a temptation of the devil. Therefore, Saint Francis de Sales teaches: "A confessor should not be changed without a serious reason. But, on the other hand, it is not always advisable to remain with the same confessor if legitimate reasons for change arise." Furthermore, Saint Teresa says that there can be a just reason for changing confessors, namely, a lack of goodness, saying: "If a confessor appears inclined towards some vanity, he should be changed; for if he is vain, he will make

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others vain." Therefore, a lack of doctrine can also be a just reason for changing confessors, but one should be certain of this. Furthermore, Saint Teresa says that a penitent can rightly consult other learned confessors about doubtful matters, and sometimes this is absolutely necessary.

4. The confessor should avoid appearing partial towards any particular penitent. Some are overly attached to certain individuals, which consumes all their care, time, and labor. It is undeniable that some souls sometimes require more assistance than others; but there is a difference between assistance and undue attachment, which leads to a lack of care for other penitents. Therefore, it is advisable for the confessor to set aside a specific day or time for the individual who is most in need, so that others may not feel neglected.

401. 5. When hearing the confessions of these spiritual persons, the confessor must be careful not to raise his voice too much, even if he is not speaking about sins; for this can happen, and others may be afraid to confess their faults.

[*Latin ed. p. 94*]

6. It should not be easy to permit devout young girls to cut their hair and adopt a religious habit; but care should be taken that they first establish firm roots in the spiritual life and in virtues for a considerable time. Because of this excessive leniency of confessors, how many girls afterwards abandon the habit and enter into marriage, causing scandal in the place and giving a bad example to others!

7. The confessor should not grant these girls permission to be taught to read, and still less to write, by men. How many simple girls, because they have learned to read, have ruined their souls! This is either a very near occasion of sin, or at least it is very dangerous. If they desire to learn such things, they should be taught by some other woman, or by a young religious brother (and still with caution); otherwise, the confessor should not absolve them; nor should he absolve mothers who permit this.

8. The confessor should not allow young girls to wander about, visiting churches, and to remain in the church longer than is necessary, causing disturbance to their parents; but he should urge them to obey them and to undertake domestic tasks. How, and to what extent, the confessor should be careful to avoid familiarity with his penitents, will be discussed in section 419. Concerning the direction of spiritual souls, we will speak in the entire IX chapter.

§ IV. How should the confessor behave with the mute and the deaf?

102. If the person is both mute and deaf, in order to receive his confession, it is necessary to bring him to some secluded place, to elicit some sign of his sins and of his sorrow, in the best way possible. But before hearing him, the confessor should take care to be instructed by his relatives about his vices,

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and about the way to understand him, and to be understood by him; and when he has perceived some particular sin, along with a sign of sorrow, he should absolve him. But I always absolve him under the condition, unless I have some moral certainty about his disposition.

103. If the mute person knows how to write, according to our opinion (L. 6, n. 479, see Questions), he is obligated to confess through writing; he who is obligated to the end, is also obligated to the means.

[*Latin ed. p. 95*]

Ordinary Cases. I say "ordinary," because it would not be an ordinary procedure if a priest were to demand a great effort from a penitent in order to complete his confession, or if there were a danger of exposure.

104. If a deaf or hard-of-hearing woman were ever to approach the confessional, and the confessor, in the course of the confession, asking about the circumstances of the confessed sin, were to realize that she is deaf, a doubt arises as to whether the confessor can tell her, in a loud voice, to return at a more opportune time and place; this situation often occurs in missions, and sometimes troubles missionaries. I believe the following course of action should be taken: if the confessor knows of her deafness at the beginning of the confession, then he can freely tell her to return. But if he realizes this in the course of the confession, and the penitent is responding inadequately to the questions, then the confessor cannot tell her, in a loud voice, to return, so that those present might hear; for this would create suspicion that the penitent has confessed to some grave sin, or at least a sin of considerable gravity; therefore, in this case, even if she has confessed to something mortal, if he recognizes her disposition, he should absolutely absolve her; or he can absolve her conditionally, for example, "I absolve you, provided that you do not break the seal"; in this case, he cannot inquire about her disposition, nor (as I said) can he tell her to return; and then he should impose a light penance upon her, since that penance would also need to be heard by others because of her deafness (cf. *l. c.*, n. 644, cf. Petes).

§ V. How to act with the dying.

103. The confessor, when receiving the confessions of the dying, should not proceed so strictly regarding the number and circumstances; especially if the priest has already administered the Viaticum, or if a doctor is present, urging that the Viaticum be received; in such cases, it is better to attend to the disposition of the penitent than to the completeness of the confession. It is then sufficient to tell the sick person to repeat the confession when he has recovered. And the penance should be the lightest, imposing a penance proportionate to the time it will take for him to recover; or it will be sufficient to tell him to return when he is in good health. The wounded and the women in childbirth, who cannot ordinarily be left unattended, it is

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sufficient if they confess their sins to their attendants.

[*Latin ed. p. 96*]

Let him confess his sins, and in particular, any slight fault, with the firm intention of confessing them fully if he recovers. The confessor should note that if the dying man is able to fulfill any restitution that he can then perform, he should impose it upon him to do so immediately; and it is not sufficient that he leaves this burden to his heirs; otherwise, he will not absolve him (Observe the author of the Instruction concerning confessions in Terre and Village, chapter 14). 106. However, if the sick person were about to experience a very significant disturbance of mind upon hearing that he must receive the Eucharist, it is probable (Book 6, number 283, Doubt 4) that the parish priest can administer the Eucharist to him, omitting the usual words: "Receive, brother, the Viaticum," etc., but using the ordinary words of communion: "May the Body of Our Lord Jesus Christ preserve you," etc. 407. If, then, the confessor observes that the dying man is already in a state in which he should receive Extreme Unction, and he refuses it, let him explain to him the great effects of this Sacrament, which provides great strength to the soul to resist the temptations of the demons in the final struggle; it absolves him from venial sins, and even from mortal sins, if they are hidden, and moreover, it still provides health to the body, which is beneficial to the salvation of the soul; but it will not provide this health if the dying man has become such that he can no longer recover, except by a miracle; because the Sacrament operates only through the ordinary means, assisting natural causes. If, nevertheless, the sick person does not agree and continues to refuse to be anointed, it is very probable that several Doctors teach (loc. cit., number 735), that he is sinning mortally, at least against charity towards himself, since he is depriving himself of so much help in such a great need. § VI. How should one behave with those who are condemned? 108. The greatest charity and patience should be shown to them. The first time the confessor visits the condemned person, he should begin by telling him that this death is a gift from God, who wants to save him. He should say that we are all destined to leave this world, and soon, so that we may arrive at eternity, which has no end. From this, he should speak to him of the blessed life of the saints, and of the misery of the damned. Then he should encourage him to give thanks to God, who has waited for him until that time; and he should not...

[*Latin ed. p. 97*]

He sent [him], so that he might die at a time when he was in sin. Finally, he should encourage him to accept death with a joyful spirit, by joining him to the death that Christ, the Lord, suffered for his love. And he should comfort him by saying that, by accepting death for his sins, he is certainly saved, and that he will be saved with great merit, and will therefore be

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rewarded with a great prize in heaven. Afterwards, he should suggest that he confess, and freely reveal all his sins. He should especially ask if he harbors any hatred towards anyone? and if he keeps consecrated hosts, or holy oil, or superstitious writings? He should also ask if he has entered into any pact with a demon. After absolving him, he should take care that he receives Holy Communion frequently; and he should also advise him to commend himself often to the Mother of God, so that he may obtain a holy death. As the condemned man goes from the prison to the scaffold, he should say to him: "My son! Follow Jesus Christ, who went before you to Calvary, to undergo the death that is so much better for you." When he has reached the place of execution, he should reconcile him again, and absolve him; and he should advise him to gain an indulgence, and then say: "My N., be of a joyful spirit, for you are now in the grace of God; the gates of Paradise are now open to you, and Jesus and Mary await you there. Join your death to the death of Jesus, who, for your love, died bleeding amidst mockery and torments. Do you love him? Say it with me: 'Lord, I love you above all things; I want to die to do your will. Having accepted death for my sins, I hope that you have forgiven me; I repent of having offended you again. I long to come quickly to heaven, to kiss your feet, and to love you eternally.' As the hood is placed over the condemned man's eyes, and he ascends the scaffold, he should say to him: "My son, invoke the Mother of God, that she may assist you. Offer your death for your sins. Declare that you do not wish to consent to any temptation of a demon." After he has ascended the scaffold (while the sentence of execution is being read), he should say: "Behold Jesus Christ, who, with outstretched arms, awaits you to embrace you: 'Lord, I have offended you, I have displeased you; now I love you with all my heart. God of my soul, you call me, behold, I am coming. Mary, Virgin, help me. Lord, into your hands I commend my spirit. Jesus, and Mary, Jesus, Mary, Joseph.'"

109. But if the condemned man stubbornly refuses to confess, what should be done? 1. The confessor should pray for him, and seek to help him.

[*Latin ed. p. 98*]

1. He should strive that he, too, be commended to God by others, and especially by religious communities, so that they may assist him with prayers and Masses.

2. He should inform the condemned man that, whether he repents or not, the sentence will be carried out.

3. He should inquire whether he perhaps despairs of his salvation, because he has surrendered his soul to the devil? In this case, he should strive to persuade him that such a pact is invalid, because God alone is the Lord of the soul, and that as soon as he revokes his wicked will, God will forgive him all his sins.

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4. He should inquire whether he harbors hatred towards anyone, from which his obstinacy might arise? Furthermore, he should take care, during the first conversations with such an obstinate person, not to press him unduly to confess immediately, for he will become even more obstinate. It is better to speak with him about death, to which all are subject; about the mercy of God; about the torments of hell, and about the joys of paradise. He should relate the example of some sinner who died impenitent; or of some condemned person who received a holy death. As the words of that one who, though innocent, was condemned, and when asked why he did not defend his innocence, responded: "And why? For many years I have asked God to grant me the grace to die a shameful death, as my Savior died for me. I have now obtained what I asked for, and would I now wish to deprive myself of this desired fate?" And thus, he went joyfully to the scaffold. After saying these things, the confessor should leave the accused, so that he may ponder these things in his mind; and then he should inquire again whether he has changed, and say to him: "My son, your death is approaching, what do you decide? It is in your power to choose hell or heaven. Be aware that if you depart obstinately, you will regret it throughout eternity, and there will be no further remedy for such great evil." If he still sees that the person is hardened, he should take care that those present pray for him; and especially that the Litany of the Blessed Virgin be recited, and then he should kneel before him, and beg him not to wish to perish. If he does not succeed in reaching him through words, he should turn to speaking to the Crucifix. Finally, if the accused has already arrived at the place of execution, he should implore the people to kneel and pour out prayers for this obstinate person. It may also be helpful to terrify him by saying: "Depart, cursed one, into hell, since you wish to destroy yourself. But know that your punishment in hell will be even more severe, because of the memory of this time that God grants you, and you abuse it." But then, he should resume a gentle tone.

[*Latin ed. p. 99*]

He should admonish. If someone who has already ascended the scaffold of damnation should ask for mercy, he should rebuke the ministers of justice, so that they may allow him to descend, protesting that they are then bound to grant him time to repent. However, this applies to one who has not yet confessed; for if the accused has already confessed, then the confessor should exhort him to elicit an act of contrition, and then question him in this way: "My son, do you now intend to confess all your sins to me, and especially those which you have told me?" And when the accused answers "yes," he should impose the lightest penance upon him (e.g., that he invoke Jesus and Mary), and absolve him. § VII. How the confessor should behave with those afflicted by demons. 410. Some who are possessed by evil spirits are tormented by horrible specters, or by bodily torments. The care of these

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is easy; they should be encouraged with prayer, patience, and above all, conformity to the divine will. The confessor should not be so incredulous as to judge that all these invasions, or infestations of demons, are fantasies, or bodily infirmities; for it cannot be denied that true possessed individuals also exist among Christians. For the Church has instituted so many exorcisms against these invasions, the practice of which testifies to us that the Council of Trent (Trid. sess. 25. c. 2.) has always been in use within the Church. Moreover, if possessed individuals did not exist, the order of Exorcists would have been instituted in vain, to whom power is conferred over the demoniac and the catechumens (which certainly cannot be supposed); and indeed, this order is one of the seven that have always been in the Church of God, as the same council declared. However, it is always necessary to be suspicious of such invasions; for it cannot be denied that the greater part of them are either fictions, or imaginations, or infirmities, especially in women. 411. Those who more often trouble the confessor's mind with greater difficulties are those who are tormented by demons with vile visions, movements, and even touches, who not only excite carnal desire, but sometimes even have carnal intercourse with them in the form of a man or a woman.

[*Latin ed. p. 100*]

It possesses this, and for this reason, it is called a Succubus, or an Incubus. Some deny that these demons, the incubi or succubi, are sent; but generally, the authors affirm this, as Martinus Delrio states in his work *Disquis. Magic.*, Part I, Chapter 15; Cardinal Petrucci in *Epist.*, Part 2, Book 2, Opuscule 5, Chapter 15, paragraph 5; and Sixtus Senensis in Book 5 of *Bibl. Sacr. Annot.*, 77, citing St. Cyprian, St. Justin, Tertullian, etc. And this is most strongly confirmed by St. Augustine in Book 15 of *De Civ. Dei*, where he writes: "That angels have appeared to men in such bodies, so that they could not only be seen, but also touched, is testified by the most true Scripture, and many (whom they commonly call incubi) have often been wicked men, who have approached women, and have had carnal intercourse with them." Some demons constantly attempt and incite this impurity, and many such men assert this, so that to deny it would seem imprudent. Indeed, demons could take on the bodies of the dead for this wicked purpose, or could newly assume a form from the air and other elements, and represent the appearance of human bodies, palpable and warm, and thus adapt those bodies for intercourse. Moreover, as the aforementioned Delrio states, citing D. Thomas, D. Bonaventure, Scotus, Abulensis, and others, a demon can even bring forth true seed received from elsewhere, and imitate the natural emission of it, and that true offspring can be born from such intercourse, since the demon can receive that seed, for example, from a man experiencing nocturnal pollution in his sleep, and by preserving the prolific heat, infuse it into the womb; in

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which case, that offspring will not be the daughter of a demon, but of him whose seed it is, as D. Thomas says, according to the cited author. Whether this has ever happened, or can happen, given the laws established by divine providence for the propagation of the human race, we leave to the judgment of the wiser. It is, however, doubtful whether a demon, with the permission of God, can move the hand of another to touch and pollute him. Father Gravina, a Dominican, affirms this, and indeed, probably rightly; for if a demon can move the entire body of someone, as is narrated of Simon the Magician, who, through the power of a demon, was lifted into the air, why could it not also move a hand? Furthermore, if a demon can move the tongue of someone, so that he unwillingly utters obscene words, or blasphemies against God, why not the hand, so that shameful acts are committed?

[*Latin ed. p. 101*]

The same is felt by Cardinal Petrucci in his work, chapter 8, where he says: "It has not infrequently been observed that a demon begins in some way to possess a part of the human body, such as the eyes, the tongue, or even the very entrails. Hence, the tongue utters the most obscene words, even though the mind is not aware of such things. Hence, impulses and affections sometimes arise, which are shamefully exposed. Hence, the most foul things, which I blush to write. And this is sufficiently confirmed by St. Thomas, *De malo*, question 3, article 5, ad 9, where he teaches: 'Demons can cause men not to distinguish between species and things, insofar as, with God's permission, they disturb the internal sensitive powers, and when these are disturbed, the use of human reason is bound, which needs these aforementioned powers for its action, just as a rudder is in a ship with seized sails. But when the use of reason is bound, nothing is imputed to the man for sin, just as it is not imputed to beasts.' Therefore, according to St. Thomas, the devil may not be the cause of sin, even if he is the cause of an action that, in other circumstances, would be a sin. Therefore, according to St. Thomas, a demon can be the cause of a shameful action, and at the same time, bind the use of reason so that the action is very little imputed to the man for guilt. To this, two propositions of Michael Molinos, condemned by Innocent XI, can be opposed. The first, number 44, stated: 'Job blasphemed, and yet did not sin with his lips, because it was by the violence of a demon.' The second, number 49, which is more relevant to the matter at hand, stated: 'Job, by the violence of a demon, defiled himself with his own hands at the same time that he offered prayers that were pure before God.' But it is answered: 1. that these propositions are manifestly false, for the first is based on that text: 'Let the day perish wherein I was born, and the night in which it was said: A man child is conceived.' Job 3:3. Interpreters explain this text in various ways: Estius says that Job there wished that no mention of his birth should be

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made in the future, because of his misfortune: 'Let the day perish,' that is, (according to Estius), 'I am most unhappy, and therefore let the day perish, and let no anniversary be remembered.' Others, with Tirinus, say that Job, without blame, cursed the natural misfortunes as the causes of his sufferings. What, then, do blasphemy and the violence of a demon have to do with this? Furthermore, it does not contradict, says Cardinal Petrucci in the aforementioned passage, that a demon can move the tongue of a man to utter obscene words. Father John Baptist Scaramelli (in the life of the Venerable Sister Mary Crucifix) reports that demons themselves compelled her to blaspheme..."

[*Latin ed. p. 102*]

They acted in this manner: After stirring up wicked affections in her, they quickly moved her tongue to curse the most sacred things; and sometimes they used her hands to throw medals and sacred books to the ground. (1.) Then, he recounts the words of that same person, who, describing her torment, wrote to her director as follows: "With this tongue, consecrated every morning by contact with Jesus Christ, should I then curse Him? I feel as if I am dying, although I am without sin. The curses vary according to the days, sometimes uttering heretical blasphemies, sometimes denying the most sacred mysteries of the faith, etc." (2.) The same must be said regarding the other proposition 49 of Michaelis Molinos; namely, that it is false, and moreover, scandalous, since Job does not speak of pollution, but only says: "These things have I suffered without the iniquity of my hand, when I offered pure prayers to God." Job 16:18. Malvenda explains: "As if to say, these things came upon me without my fault." And Menochius: "When I raised my hands in supplication to God, which were not stained by theft, nor by any other crime." I repeat, what does pollution, and the violence of a demon, have to do with these things? How false were those two propositions! But regarding those propositions, the more proper and convincing answer is this. The propositions condemned are to be understood according to the meaning of the author who presented them. Some of Quesnelli's propositions seem, at first glance, to be equitable and holy, but according to his meaning, they are perverse. For example, proposition 50 says: "All those whom God wills to save through Christ are infallibly saved." This proposition is held by all who defend efficacious grace from within; but it is condemned according to Quesnelli's meaning, namely, that God wills only the salvation of the predestined. And so, it must also be said that the propositions mentioned in 44 and 49 of Michaelis Molinos are also condemned. His impious system was this: that when a person gives their freedom to God, they should not...

[*Latin ed. p. 103*]

To resist evil disturbances more effectively, and to exert no effort to pre-

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vent evil acts; for these are to be attributed, not to one's own will, but to the violence of the demon, or to sensual passion. Indeed, his fundamental proposition (which is number 47) states: "Having surrendered our free will to God, and having left to Him the care and knowledge of our soul, we should no longer consider temptations, nor offer them any resistance, except a negative one, without employing any effort." And if nature is disturbed, it is necessary to allow it to be disturbed, because it is nature. Another of his propositions (number 47) is more specifically relevant to our case, and it says: "When such violence occurs, it is necessary to allow the devil to act, without employing any effort, without making any personal attempt..., even if pollutions follow." Note the words: "it is necessary to allow," "without employing any effort," etc. But how can it be without guilt to omit resistance in such disturbances, and to allow the demon to act, even if pollutions follow? Does not one's own will clearly appear here? This is what Molinos said, and thus all of his other condemned propositions must be understood. Furthermore, why, with God's permission, cannot the demon compel a man to perform some evil act without any sense of his own will? However, as St. Augustine says, "We cannot, through philosophical reasons and human reasoning, know to what extent the natural power of Potenza extends; therefore, in this matter, we must be guided more by the authority of theologians than by philosophical arguments, those who speak according to the light received from Holy Scripture." We have in the Gospel of Matthew, that a demon can indeed hinder the use of speech: "They offered him a mute man, possessed by a demon, and after the demon was cast out, the mute man spoke." (Matthew 9:32-33). Chrysostom, as quoted by Cornelius à Lapide, says: "From this, it appears that the demon had silenced him, hindering the use of speech." Just as the demon can hinder the human use of limbs, so too can it disturb them without the person's will. Also, in the same Gospel of Matthew, it is recorded that the demon carried Jesus Christ upon the pinnacle of the temple: "Then the devil took Him up into the holy city, and set Him on a pinnacle of the temple..."

[*Latin ed. p. 104*]

And he said to him: "If thou art the Son of God, cast thyself down. For it is written in the Prophet: 'He hath given his angels command over thee, that they may guard thee in all thy ways.' But on their coast they shall bear thee up, that thou dash not thy foot against a stone." Matth. 4. v. 5. and 6. Therefore, if the demon could move and transport the very person of the Lord, then much more can it move the tongue or hand of any man. Furthermore, we have in Daniel that Habacuc was transported by an angel into the den of lions: "And the angel of the Lord took him by the top of his head, and carried him by the hair of his head, and set him in Babylon, over the den, in the force of his spirit." Dan. 14. 35. Note the words, "in the force

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of his spirit," which clearly denote the natural power of the angel. Hence, theologians rightly say that a demon can, with God's permission, move the limbs of a man by its natural power. Besides the authorities of St. Thomas and St. Bonaventure, as mentioned above, several modern authors write the same. Cardinal Gotti writes: "The devil can indeed compel to an act which, by its very nature, is a sin, such as with the possessed, whom he compels to utter blasphemous words, or even to other acts that are evil in their object. But in such a case, because the reason is bound, it is not imputed to the man as a sin, since there is a lack of free will." Theol. tom. 2. tr. 4. de Vitiis q. 6. Wigandt writes the same, tr. 4. eod. tit. Exam. 2. num. 69. in fin. Calmet also writes (an author whom everyone knows to be weighty in his statements); in the dissertation which he appends to the Gospel of St. Luke concerning the truth of the possessed, after he has explained his opinion concerning the aforementioned power of the demon, he raises this objection: "If the demon were acting on its own in a man, two active principles, namely two spirits, would be present at the same time; but this is impossible, because one could act in opposition to what the other wants." But he responds that, when the demon, with God's permission, acts in the human body, at the same time (as St. Thomas also teaches) it hinders and binds in the man the use of reason. He does not doubt that Satan, by its natural power, can bind the freedom of man, and can even compel him against his own will to utter blasphemies. Then Calmet says that a sign is that it is the work of a demon, if a man is animated by some other spirit, is agitated unwillingly, admits things that are far removed from his own inherent nature, but admits them in such a way that all the particulars seem violent. The esteemed Father John Scaramelli writes the same in his Directorium Myst. tr. 5. c. 11. n. 124, saying: "This can very well be..."

[*Latin ed. p. 105*]

Swiftly, without formal sin on the part of the person, if the demon, while acting externally, internally prevents the complete use of reason, and takes away all freedom to resist (according to the words of St. Thomas), moving the sensitive appetite with great vehemence, and disturbing the mind to such an extent that all light of reason ceases. Therefore, the confessor must examine the penitent to see if, in those things that he experiences, he perceives some awareness of the malice of sin, and if he has any feeling that deters him from that action. If he says that at that time his mind is so obscured that he knows nothing, and he feels no remorse, then he can be judged to be exempt from sin. Otherwise, if at that time he has some light of reason, and reason is not completely bound, so that he can indeed resist (1). Furthermore, the aforementioned author warns confessors to take care that those who suffer such shameful disturbances reveal such actions in confession; for these will be scarcely free from all guilt, even a slight one, due to some imperfect awareness, or a lack of resistance, which should have

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been employed.

412. If anyone ever comes afflicted by the enemy of this kind of temptation (called the spirit of fornication, from which the Holy Church especially commands us to pray to the Lord that He deliver us), the confessor must greatly strive to protect the penitent in such a terrible conflict; for the learned Cardinal Petruccius says that these souls are in great danger if remedies are not applied with great effectiveness, and sometimes even extraordinary ones: for, since great help from God is required to resist, and great force from the patient, it is difficult to be victorious in such battles.

(1) That is: It can indeed happen without formal sin on the part of the person, when, namely, at the same time that the demon acts externally, internally it completely prevents the use of reason and takes away all freedom to resist (as St. Thomas says), moving the sensitive appetite with great vehemence, and thus disturbing the mind to such an extent that all light of reason fails. Therefore, the penitent must be asked whether, in those things that he experiences, he perceives in some way the malice of sin, and whether he experiences any feeling that deters him from that action. If he says that at that time his mind is so obscured that he knows nothing, and he feels no remorse, then he can be judged to be exempt from guilt; otherwise, if a light of reason, which is not completely prevented, shines forth, so that he can indeed resist. Edit. Tom IX, 9.

[*Latin ed. p. 106*]

He will go forth; but he who does not add great mortification, and above all, fervent prayer, commending himself a hundredfold and a thousandfold, groaning and begging for mercy, to the feet of the Crucified and the Mother of God, will be in danger. Otherwise, if the soul grows lukewarm, and weakens in prayer, or in mortification, Petruceius says, that it will be in great danger of falling, at least indirectly, into some hidden indulgence of those vile delights. Therefore, as we come to the remedies, if the confessor can judge that there is absolutely no fault in this temptation on the part of the penitent, he should first of all advise him to use these means: let him help himself with fervent prayers, frequently invoking the most holy names of Jesus and Mary; let him diligently turn away from the pleasures of the senses; let him frequently receive Holy Communion; let him often declare that he does not wish to consent to any temptation, or to any delight, which he feels is being suggested by the devil; let him often make the sign of the cross (and also carry it with him), and use blessed water, sprinkling it upon his bed and his room; let him also carry with him a relic of the Saints, and a book of the Gospels; let him also use private exorcisms, saying: "Unclean spirit, in the name of Jesus Christ, I command you to depart from me, and to no longer torment me." Furthermore, let him be encouraged, and let him often humble himself, and let him often practice acts of such humility; for sometimes God permits such temptations in order to remove some internal

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pride from the soul.

413. But if anyone miserably falls into these temptations, or seeks out their occasions rather than avoiding them, his cure is very difficult; for such sinners, who have dealings with the devil, are very difficult to convert from the heart. On the one hand, the demon acquires a certain dominion over their wills; and on the other hand, they themselves remain too weak to resist; they need extraordinary grace from God, but God rarely grants this to such wicked people. However, if such a person comes to the confessor, he should not despair, but should use the utmost charity with him, and encourage him, saying that where there is no will, there is no sin; therefore, if he resists with his will, he sins very little. In these cases, the confessor should first of all perform an exorcism against the demon, at least a private one: which is certainly permitted (L. 4, n. 193, de adjuratione), in this way: "I, as a minister of God, command you, unclean spirit, to..."

[*Latin ed. p. 107*]

"Withdraw from this creature of God. Then, he should question the penitent, whether he has ever invoked the enemy, and whether he has entered into any agreement with it? Whether he has ever denied the faith, or performed any act against it? He should ask, in what form the demon appears to him, whether as a man, a woman, or a beast. For then, if he has carnal relations with it, besides the sin against chastity and religion, he will be guilty of the sin of fornication, or sodomy, or incest (understand, affective), adultery, or sacrilege. Furthermore, he should ask, in what place and time did this commerce take place? Afterward, he should show him the enormity of such a crime, and seek to lead him to true conversion, and to make a complete confession; for these lost people, even if they confess, easily commit sins again. Finally, he should prescribe to him the same remedies mentioned above, namely, that he should often turn to God and the Blessed Virgin; that he should frequently invoke the names of Jesus and Mary; that he should use holy water and the sign of the cross; that he should carry with him a relic and the Gospel; and that he should often recite the exorcism, as mentioned above. Afterward, he should postpone absolution, but encourage him to return often, so that he may be observed, and it may be known how he behaves in resisting the enemy's attacks, and in applying the remedies: and he should not absolve him, unless after a long period of observation, for such conversions, as we have said, are rarely true, and very rarely lasting.

CHAPTER VIII. On the prudence of the confessor.

I. In choosing opinions.

II. In correcting errors committed by himself.

III. In guarding the sacramental seal.

IV. In receiving confessions from women, and in dealing with them.

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114. I. THE CONFESSOR must use great prudence in choosing opinions.

Here, I will not speak of the question so controversially debated today, whether it is permissible to follow a less probable and less safe opinion when a more probable one is at hand? Authors, and especially many learned writers who have recently written about it, speak extensively about this; and I confess that I would have preferred that they taught us the truth with reasons, rather than with sharp criticisms. I will only repeat what I said above, number 65. And, having considered the immediate occasion,..."

[*Latin ed. p. 108*]

For when it is a question of avoiding a formal sin, the confessor ought, as far as possible, to follow the more lenient opinions; for only a formal sin is an offense to God. But when lenient opinions expose the penitent to the danger of a formal sin, then the confessor ought to follow the stricter opinions, because these are more salutary for the penitent in this case. However, when the penitent wishes to follow a probable opinion, and is already disposed to do so, then the confessor is bound to absolve him, for, having already made confession, the penitent has a certain and strict right to absolution, lest he be forced to receive it from another priest, which would be a very grave burden, requiring him to repeat his confession. This opinion is common, and is admitted even by many authors of stricter opinions, such as Pontassus, Cabassutius, Victoria, and especially St. Antoninus. See the book where this is proven (L. 6, n. 604). 415. This applies even more in the case where the confessor wishes to obligate the penitent to make some restitution, to which the latter is not probably bound (Lib. 4, n. 669). Indeed, this applies even if the confessor did not have a solidly probable opinion of the penitent, and the penitent was not unlearned, but held by other grave doctors to be probable, so that the penitent forms a correct conscience of doing good. However, it must be understood that this is when the opinion of the penitent has some (as I said) probability, at least apparent; for if the confessor considered it to be entirely false, because he had some certain principle or reason that convinced him against it, and he believed that there was no response that could induce him to doubt the certainty of his own opinion, then he should not, and cannot, absolve the penitent who does not wish to conform to it (See Lib. 6, n. 604). However, if the confessor foresees that his admonition will not be beneficial to the penitent, but rather will bring about the formal sin that is only material in the penitent, then he ought to dissimulate, except in certain cases; see what was said above, n. 8 and 9. 416. II. If, at times, the confessor commits an error concerning the value of the sacrament without his fault, he is not bound by justice to

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admonish the penitent, but only out of charity, which...

[*Latin ed. p. 109*]

It does not obligate [the confessor] with grave inconvenience (Lib. 6, n. 619, and n. 620); provided that the confessor is not the parish priest of the penitent, who would be obligated to repair a grave damage caused to the penitent; and provided that the penitent is not in danger of death, or in danger of not being able to confess again, because then charity obligates even with grave inconvenience. However, if the confessor commits a grave fault in this matter, then he is always obligated, even with grave inconvenience, to correct the error (and especially if he leaves the penitent in a near occasion of sin); unless the penitent has confessed to others, or at least has received the Holy Eucharist. But without the permission of the penitent, a warning should never be given outside of confession, nor can it be imposed, whenever it could cause him any grave inconvenience. If, however, the error is only concerning the integrity of the confession, for example, if the confessor did not ask the penitent about certain matters, or about the number of sins, even if it was his fault; then the confessor is not obligated to correct the error outside of confession, because in this case there is always the penitent's shame, when he hears his sins being recalled to him again. However, if, through his malice, or culpable ignorance, the confessor has prevented the penitent from making restitution, or has unjustly obligated him to do so; then he is obligated to warn him, having first obtained permission; otherwise, he himself is obligated to make restitution. Finally, if the confessor omits to warn the penitent about restitution, he is not obligated to make restitution himself, even if he was the parish priest, and even if he committed a grave fault in this matter. See the book (l.c., n. 621) where all of these things are discussed with their reasons and authorities, DD. 117. III. The confessor must also be extremely prudent in guarding the sacramental seal. It is already known and certain that the confessor can never speak about the things that he has heard in confession, whenever there is a danger of revealing the seal (directly or indirectly), or of causing harm to the penitent; and this applies even if he only doubts whether he heard it in confession or not, or in relation to the confession (Lib. 6, n. 636). However, the confessor is not prohibited from speaking (in general terms) about any sin in con-

[*Latin ed. p. 110*]

Having heard in confession, one must proceed with the utmost caution in the following cases: 1. Never speaking of the sins heard in confession before simple persons, who might suspect a revelation of the confessional seal. 2. Never mentioning in sermons that a particular vice reigns in that city, which one has learned through hearing confessions, unless one knows this from another source, and the audience is small; and especially if the

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sermon is given in a monastery, one must not vehemently denounce any fault that one has heard in confession to be common there. 3. The confessor should not be overly insistent in obtaining permission from the penitent, for with a permission that is not entirely spontaneous and freely given, he cannot in any way use it. Therefore, he should be as sparing as possible in seeking such permissions unless there is a special necessity; and it is safer to suggest to the penitent that he speak about what is necessary outside of confession. 4. No one should ignore that, outside of confession, the confessor cannot even speak with the penitent about things heard in it, without the express permission of the penitent; but in the very act of confession, he can certainly speak about these things, whenever he believes it to be beneficial to the penitent (l. c. n. 652). 5. He may not inquire about the name of an accomplice, and if he denies absolution to one who refuses to name him, he incurs a suspension of office; and he who teaches that this can be done, incurs a papal excommunication by the very act (Lib. 6. n. 491). 418. However, in the case where the penitent is obligated by a serious reason to reveal the name of an accomplice, in order to repair, for example, some common damage (Ibid. n. 294), it is contrary to the opinion of others, and even then, the confessor cannot obligate the penitent to reveal the name of the accomplice to him, but he can and should instruct the penitent to reveal the accomplice to those who can prevent scandal. If the penitent wishes to reveal the accomplice to the confessor, then he can certainly hear him, and, as is fitting, repair the damage. Furthermore, it should be noted that confessors are not prohibited from inquiring of the penitent about circumstances that it is necessary to know, in order to understand whether a different species of sin is present, or in order to give counsel.

[*Latin ed. p. 111*]

Regarding the salvation of the penitent: Hence, it is fitting to inquire, whether she is married; whether she is bound by a vow of chastity; whether she lives in her own home; whether she is a servant; and similar questions. Even if, through these questions, the identity of the companion must be indirectly revealed; nevertheless, the name of that person should never be asked (Ibid.). 419. IV. The confessor must be very cautious in receiving the confessions of women. And first, it must be noted that in the Decree of the Holy Council of Bishops, dated January 21, 1610, it is stated: "Confessors are not to hear the confessions of women after evening twilight and before dawn." Speaking of the prudence of the confessor, he should be more strict than gentle with younger women in the confessional; nor should he allow them to approach the confessional to speak with him, and much less to touch his hands. During the act of confession, he should not show that he recognizes them; for some, who wish to be considered religious, sometimes, noticing that they are known by the confessor, do not make a complete confession. It is also imprudent to look at the penitents

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as they leave the confessional, and to observe them for some time. Outside the confessional, he should not even allow himself to speak with them in the church, and he should avoid all familiarity. He should also abstain from receiving gifts; and especially, he should never go to their homes; except in the case of serious illness, and then only if called; then he should exercise great diligence in hearing their confessions, leaving the door open, sitting in a place where he can be seen by others, and never taking his eyes off the face of the penitent. This is especially important if they are spiritual persons, with whom there is a greater danger of attachment. The Venerable Father Sertorius Capotus said that the devil, in order to unite spiritual persons, initially uses the pretext of virtue, so that later, affection may pass from virtue to the person: hence, Saint Augustine says, in Saint Thomas (Opus 64, de Familia Domestica, etc.): "A brief and strict conversation should be held with these women; and yet, because they are more holy, they are not to be considered less worthy of caution, for the more holy they are, the more they attract." And the Angelic Doctor adds: "Although carnal affection is dangerous to all, it is more pernicious to them, when they are with a person who seems to be spiritual; for although the beginning may seem pure, frequent familiarity leads to domestic..."

[*Latin ed. p. 112*]

There is danger; indeed, the more this familiarity grows, the weaker the principal motive becomes, and purity is stained. And he adds that such persons do not immediately notice this; for the devil does not at first send forth poisoned arrows, but only those that sting a little and increase the affection. But soon, such persons become so accustomed to it that they no longer act as angels, as they had begun, but as if clothed in flesh; instead, they look at each other and strike their minds with flattering words, which still seem to proceed from their first devotion: hence, they begin to desire each other's presence; and thus (he concludes), spiritual devotion is converted into carnal affection. Indeed, how many priests, who were previously innocent, have, through similar attachments that began in the spirit, lost God both in spirit and in reality! Let it be noted here that, according to the Decree of the Holy Congregation of Bishops, under January 24, 1610, confessors are not required to hear the confessions of women after evening twilight, nor before dawn. 420. Furthermore, the confessor should not be so devoted to the confessions of women that, through this, he neglects to hear those who come to him. Oh, what misery it is to see so many confessors who spend a good part of the day hearing certain religious women, whom the common people call "Bizocas," and who, when they see men or married women afterwards approaching them, who are full of anxieties and troubles, and who have barely been able to leave their homes and businesses, dismiss them, saying, "I have something else to do, go to others"; and thus, these people, not finding anyone to whom they can confess their sins, live for

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many months and years without the sacraments and without God. This is not hearing confessions in order to please God, but rather, in order to serve a demon; therefore, I do not know what merit those confessors will have with God who exercise their ministry in this way. I know, indeed, and contrary to the opinion of others, who assert that it is time wasted, that it is a very pleasing work to God to direct souls to the path of perfection; therefore, I will speak more fully about this in the last chapter; but I maintain that good confessors, who only receive confessions in order to please God (as is customary with St. Philip Neri, St. John of the Cross, St. Peter of Alcántara, and others), when they see a soul in need, will prefer that soul to others.

[*Latin ed. p. 113*]

CHAPTER IX. How a confessor ought to conduct himself in guiding souls spiritually.

121. As the Lord once said to Jeremiah: "Behold, I have made thee a prophet to the nations, that thou mayest root out, and destroy, and build up, and plant," so now He repeats this to each confessor, who must not only uproot vices from his penitents, but must also implant virtues in them. Therefore, it is fitting to add here, at the end of this chapter, what may serve confessors who are beginners in guiding souls to perfection. Indeed, sinners are not to be driven away, as we said above, but rather, it is also a work very pleasing to God to adorn those who are to be received, that is, to cultivate spiritual souls, so that they may give themselves entirely to Him and dedicate themselves to Him. A single soul perfectly disposed is more pleasing in His sight than a thousand imperfect ones. Therefore, when a confessor sees a penitent living free from mortal sins, he ought to take every care to lead him on the path of perfection and divine love, by showing him the merit that God has to be loved, and the gratitude that we owe to Jesus Christ, who loved us so much as to die for us; and also by showing him the danger in which all souls are, who, being called by God to a more perfect life, resist. Therefore, the direction of the confessor concerning spiritual souls is primarily placed in meditation, contemplation, mortification, and the frequent reception of the Sacraments, and we shall speak of each of these individually.

§ I. Concerning the prayer of meditation.

122. Therefore, a prudent confessor, when he sees a soul abhorring mortal sins and desiring to progress in the divine life, must first of all prepare that soul for...

[*Latin ed. p. 114*]

The practice of mental prayer, that is, meditation on eternal truths and divine goodness, is necessary. And although it is not necessary for attaining eternal salvation, as is the case with other works of piety, so that souls may

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persevere in the grace of God, other works of piety can coexist with sin; but prayer and sin cannot coexist. The soul will either abandon prayer, or abandon sin. Saint Teresa said: "I am certain that the Lord will lead the soul that perseveres in prayer to the port of salvation, no matter how many sins the devil opposes to it, because, as the same Saint says, 'the demon knows for certain that he will lose the soul that perseveringly devotes itself to prayer.' Furthermore, only love unites and binds the soul to God; but the furnace in which the flame of divine love is kindled is prayer, or meditation: 'My heart grew hot within me.' Ps. 38:4. 123. Therefore, the confessor should begin to introduce the soul into prayer. At the beginning, he should assign no more than half an hour, which he will then increase or decrease as the spirit grows. And he should not cease from this, even if the penitent finds it difficult to find the time and place to pray; rather, even in the midst of occupations, when nothing else can be done, he should repeatedly raise his mind to God and meditate on the truths of the faith; and he should also consider the Passion of Christ, which is a meditation that is beneficial to all. He should also advise the use of a spiritual book, as Saint Teresa did. He should also advise that the soul choose those matters in which it feels itself most strongly affected, and to be moved to action, whether in acts of the will, or in making petitions, or in making resolutions. I say, 1. that he should practice acts, namely, of humility, of thanksgiving, of faith, of hope, and especially in repeating acts of contrition, and of charity towards God, offering himself entirely to Him, and entrusting himself entirely to His most holy will.

[*Latin ed. p. 115*]

In surrendering [themselves], and in returning [to God] more than others, let them perform that act to which the soul feels itself most inclined. I say, 2. let them practice petition; for all our good depends on petition, and St. Augustine says that God ordinarily grants no grace to men, and especially the grace of perseverance, except through the channel of petition. The Lord said: "Ask, and it shall be given you" (Matthew 7:7); therefore, St. Teresa concludes, he who does not ask, does not receive. Therefore, if we wish to save our souls, it is necessary always to pray, and above all, to ask for perseverance and love for God. Indeed, no time is more opportune for petition than the time of mental prayer. He who does not pray finds it difficult to petition, because he finds it difficult to reflect on the graces of which he stands in need, and on the very necessity of petitioning; and therefore, he who does not pray, finds it difficult to persevere in the grace of God. I say, 3. in establishing [a rule], so that reason may not remain unfruitful, and the soul may put into effect the insights it has received in prayer: hence, as St. Francis de Sales says, no one should put an end to prayer, unless first he has made some particular determination, such as avoiding certain more usual defects; or exercising a certain virtue in which

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he knows himself to be weaker. See what will be said on this subject in the Appendix towards the end, when we speak of the instruction for mental prayer, § III, 124. Therefore, let the confessor demand from these souls an account of their prayer, inquiring from them how they have conducted themselves in it, or at least, whether they have practiced it; and let him urge them to accuse themselves in confession, before all other things, of having omitted prayer, when they have interrupted it; for the soul, if it neglects prayer, cannot be saved. The soul that omits prayer (St. Teresa said) places itself, as it were, in hell without the intervention of demons. Oh God, and how much benefit do confessors bring to souls by employing this small diligence! And oh, what account will they render to God, if they do not act in this way, since they are bound to strive, as far as is in their power, for the spiritual progress of their penitents! Oh, how many souls could they lead to the path of perfection, and free from relapses into grave sins, if they employed this small diligence in guiding them through the way of prayer; and then, at least in the beginning of the spiritual life, asking them whether they have practiced it, or not! When a soul has established itself in prayer, it is difficult to...

[*Latin ed. p. 116*]

It is exceedingly easy to lose God; and therefore, mental prayer should be encouraged not only among the fearful, but also among sinners, who often, through a lack of consideration, relapse into their former state. 425. Above all, confessors must exercise great diligence when penitents experience spiritual desolation. At the beginning of a soul's journey into spiritual life, God often attracts it with certain special lights, tears, and other sensible consolations; but after a time, He often withdraws these consolations, in order to test their fidelity, and to lead them to greater perfection, by removing all sensible sweetness, to which the soul easily clings, and which contains a certain impurity and fault arising from love of itself. Sensible consolations (and supernatural attractions) are indeed gifts from God, but they are not God Himself; therefore, He, in order to draw to Himself those souls He loves, and to make them love the Giver with purer love, causes them to find no longer in prayer the accustomed nourishment, and the usual consolation, but rather boredom, aridity, torments, and sometimes even temptations. Therefore, the confessor must strive above all to encourage these souls, so that they do not abandon prayer, nor the prescribed Communions; he must remind them of the words of St. Francis of Sales, namely: "Before God, a single ounce of prayer in the midst of desolations is worth more than a hundred pounds in the midst of consolations." For he who loves God for the sake of consolations loves the consolations of God more than God Himself; but he who loves God and adheres to Him without those consolations, shows true love. This is sufficient regarding meditation, but I consider it appropriate to give some information here to

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new confessors concerning infused contemplation, and their own stages, as well as other supernatural gifts, together with the rules prescribed by the masters of spiritual life for the guidance of souls to whom God has been pleased to grant such graces. § II. Concerning contemplative prayer, and its various stages. 126. When a soul is granted the grace of contemplation by God, it is necessary that the confessor should know how to guide it, and to free it from all illusions; otherwise, he will do it the greatest harm, and as he says...

[*Latin ed. p. 117*]

St. John of the Cross will render a great account to God. Contemplation differs greatly from meditation. In meditation, God is sought through the labor of discursive thought; in contemplation, God, who has already been found, is contemplated without such labor. Moreover, in meditation, the soul operates through the acts of its own powers; in contemplation, God operates, and the soul simply allows itself to be acted upon, receiving the gifts that are infused into it by divine grace, without doing anything, because the very light and divine love with which it is then filled render it sweetly attentive to contemplating the goodness of God, who fills it with so many gifts.

427. It must also be noted that God, before granting souls the gift of contemplation, often introduces them into a prayer of recollection, commonly called *di Raccoglimento* or contemplative leisure (thus it is called by the mystics), which is not yet infused contemplation, because the soul is still in an active state. This recollection (I speak here of the natural, because we will speak of the supernatural and infused later, n. 133) is when the intellect does not need to work, as if from outside the soul, to consider some mystery or eternal truth, but, being detached from external things and collected, as it were, within itself, without labor, indeed with great sweetness, it attends to that truth or mystery, whatever it may be. Contemplative leisure is almost the same, except that in recollection, the soul attends to some particular devotional thought; in leisure, however, it feels within itself a general knowledge of God, and is sweetly drawn to Him. In this recollection, or contemplative leisure, some mystics say that, although this prayer is natural, the soul must cease not only from meditation, but also from the acts of the will, namely, love, offering, resignation, etc., and must remain only in a certain watchfulness and attention to God, without performing any act. However, I cannot entirely agree with such statements. There is no doubt that when the soul feels itself collected, it should not apply itself to meditation, because it has already, without any labor, found whatever it was seeking; besides, as Father Segneri says in his excellent work on the harmony between labor and rest (Part 1, ch. 1, n. 1), ordinary

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meditation, after a time, produces that contemplation which is said to be...

[*Latin ed. p. 118*]

Having acquired, namely, those truths which she recognizes with a single insight, truths which previously she had only come to know through a long discourse and labor. But despite these things, I do not know why the soul should cease from good works of the will; and what time could be more opportune for performing these works than when the soul feels itself collected? It is indeed true that St. Francis de Sales gave counsel to Blessed Joan of Chantal, that in her prayer, when she felt united to God, she should not repeat new acts; but why? Because, indeed, the Blessed one had already arrived at passive contemplation. Therefore, when the soul is still in an active state, there is no reason why good works should impede the operation of grace. The same St. Francis de Sales prescribed to the devout souls under his direction a certain number of aspirations of love, to be performed within a certain period of time. When the soul arrives at the state of passive contemplation, then, although it does not merit, because at that time it does not work, but only suffers, nevertheless it acquires a great strength for working later with greater perfection; but when the soul is still in an active state, in order to merit, it must work, by performing good works; and these are the works by which the soul merits divine grace. Therefore, the same Father Segneri rightly concludes that when God speaks and acts, it is necessary that the soul be silent, and cease from its own operations, placing nothing from its side around the beginning, except a certain attention of love towards the divine operations; but when God does not speak, it is necessary that the soul help itself in every way that it can to unite itself to God, namely, through meditations (when these are necessary), affections, prayers, and resolutions, provided that these acts are not performed unwillingly: therefore, they should only be performed by those things to which the soul feels itself gently inclined. 428. Furthermore, it must be noted that God, before introducing the soul into the prayer of contemplation, often purifies it, by placing it in a supernatural ardor, which is called spiritual purgation, in order to purify it from its imperfections, which impede contemplation. And here, a distinction must be made between sensible ardor, which belongs to the sense, and substantial ardor, which belongs to the spirit. Sensible ardor (of substantial ardor we shall speak in the following number) when it is natural, brings with it a certain weariness of things.

[*Latin ed. p. 119*]

It brings about a certain lightness, and a less lasting obscurity; but when it is supernatural, as we are discussing here, it places the soul in a deeper obscurity, which lasts longer, and daily increases. Nevertheless, the soul, being in this state, although it feels itself more estranged from creatures,

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and has its thoughts constantly fixed on God, together with a great desire, and determination to love Him perfectly, yet feels itself rendered, as it were, impotent to accomplish this, because of its imperfections, for which reason it seems to have become odious to God; but meanwhile, notwithstanding this, it does not cease to conduct itself properly in virtues. This troublesome aridity is a certain exercise of grace; it is a certain supernatural light, but a light that brings forth punishment and obscurity, because, wishing to communicate with the pure Spirit, and finding the senses and powers of its soul not yet capable, because they are not yet entirely detached from sensible consolations, and consequently from material things, which are full of forms, images, and figures, it produces in the soul such troublesome darkness, but very useful, because through these very things the soul arrives at a certain alienation from all sensible pleasures, both earthly and spiritual; and moreover, it acquires a great knowledge of its own miseries, and its impotence to accomplish any good work, and at the same time, great veneration for God, who is presented to it as venerable and terrible. In this state, the Director should encourage the soul to hope for great things from God, who acts in this way for this very purpose. He should suggest to her that she should not try to exercise herself in meditation, but that she should humble herself, make an act of oblation, and surrender herself entirely to God, perfectly resigned to the dispositions of His will, which is entirely directed to our good. 429. After this purgation, the Lord often grants the gift of contemplation, which is called joy; that is, supernatural recollection, quiet, and union, of which we shall speak later; but before union, and after recollection and quiet, the Lord often purges the soul with spiritual aridity, which is called substantial aridity, by which the Lord wishes the soul to annihilate itself entirely in itself. Sensual aridity is the subtraction of sensible devotion, but spiritual aridity is a certain divine light, by which God makes the soul understand its own nothingness.

[*Latin ed. p. 120*]

Let her recognize [her state]. And here is where the soul finds itself in a certain, more terrible agony; for although at that time it is more determined to overcome itself in all things, and more attentive to pleasing God, nevertheless, the more it recognizes its imperfections, the more it feels estranged from God, and abandoned as if ungrateful for the benefits received. Indeed, even the spiritual exercises it performs, such as prayers, Communions, and mortifications, cause it greater distress; for since it performs all of these with great tedium and pain, it believes that all things are deserving of punishment, and that it is more odious to God. In fact, many times these souls seem to hate God exceedingly, for which reason they believe that God has already rejected them as enemies; and yet, in this life, they experience the punishments of the damned, and divine abandonment. And sometimes, God permits that such desolations be accompanied by a thousand other

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temptations, such as impulses of impurity, anger, blasphemy, incredulity, and especially despair; so that, miserable as they are, in that great obscurity and confusion, they are unable to discern the resistance of the will (which truly is present at that time, but is hidden from them, or at least of doubtful reason, especially in the darkness), and they fear that they have already consented, and therefore, they believe that they are all the more abandoned by God.

136. Therefore, when the confessor encounters one of these souls who is already progressing towards perfection; and believes herself to be abandoned, he should, above all, not be frightened by this confusion, nor by hearing so many expressions of fear and despair; nor should he show himself timid or in any way hesitant, but should bravely encourage her not to fear anything: and at that time, more than at other times, he should encourage her to trust in God, reciting to her those words that the Lord said to St. Theresa, namely, that no one loses God unless they know that they are losing Him. He should tell her that all those suggestions of blasphemy, incredulity, impurity, and despair are not consent, but punishments, which, if endured with resignation, unite the soul more and more to God. He should tell her that God never hates the soul that He loves, and which is of good will. He should add that God behaves in this way with those souls whom He loves most. "Aridities and temptations," St. Theresa said, "are the tests that God gives to His lovers." Although the aridity may last throughout life, the soul should not neglect prayer; for the time will come when all things will be made clear to her. Oh, what a beautiful sentiment for a desolate soul! He should encourage...

[*Latin ed. p. 121*]

Therefore, in order that she may have a strong spirit, and may manfully await great things from God, while leading her along the safer path, namely, the path of the cross, he also advises that she first humble herself as much as possible, so that she may be worthy of such treatment from God, on account of the defects of her past life; secondly, that she surrender herself entirely to the divine will, offering herself most readily to endure all things, indeed, even greater things, for as long as it may please God; thirdly, that she cast herself as if dead into the arms of divine mercy, and commend herself to the protection of the Most Blessed Mary, who is rightly called the Mother of Mercy and the Consoler of the afflicted. 131. The aridity of the senses persists as long as the soul, having its senses purified, is not made fit for contemplation. But the aridity of the spirit lasts as long as it is not made capable of divine union; although sometimes, even after union, the Lord permits the soul to return to this aridity, especially for this reason, that the soul may not neglect itself, and that it may repeatedly acknowledge its nothingness. 132. Having completed the purification of the senses, and having led the soul to the end through sensible aridity,

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God places the soul in the state of contemplation. Contemplation is either affirmative or negative. It is affirmative when, through the benefit of divine light, the soul, without any effort of its own, perceives some truth, whether created, such as the unhappiness of hell, the happiness of paradise, etc., or uncreated, such as divine mercy, love, power, goodness. It is negative when the soul recognizes divine perfections not in particular, but in general, with a certain confused knowledge, but which suggests a concept of a far greater magnitude of the divine; and thus, it also dimly recognizes some created truth, such as the horror of hell, etc. But let us pass on to the first degrees of contemplation: these are the interior recollection of the spirit, and quiet; we will speak of union later. 133. Therefore, the first degree of contemplation is supernatural recollection. We have already spoken of natural recollection above, in n. 127, which is experienced when the powers of the soul are gathered together to consider God within itself; and it is called natural, not because the soul is able to effect it by itself; for every act of virtue, in order to deserve eternal reward, requires the help of grace; hence, speaking generally, it is also supernatural; but it is called natural, because the soul is then in an active state, and through the benefit of ordinary grace.

[*Latin ed. p. 122*]

It operates. True recollection, however, is that which is produced by God through the ministry of some extraordinary grace, and through which God places the soul in a passive state; thus, true recollection, or infused recollection, is properly said to occur when the collection of the powers does not happen through the work of the soul itself, but through the benefit of the light which God infuses, and through which a great and sensible divine love is aroused in the soul. In this state, the soul should not be compelled to suspend the tranquil discourse which it may perhaps be gently suggested by the light itself; nor should it rely on consideration of particular things, or on making determinations that it can effect. Nor should it curiously investigate whether a certain interior state is true recollection: but it should allow itself to be guided by God to consider those things, and to perform those acts, to which it knows itself to be more drawn by God. 134. The second stage is quiet. In recollection, the power of love is communicated immediately to external senses, which God Himself produces within the soul. But in quiet, love is communicated immediately to the spirit in the very center of the soul; and the love itself is more ardent, and then it is also diffused to the external senses: but this does not always happen; hence it often happens that the soul has the prayer of quiet, but without any sensible sweetness. St. Theresa says (in her life, chap. 14) that in this prayer, not all powers are suspended; indeed, the will is suspended, and remains as if bound, because at that time, no other object can be loved besides God, who draws it to Himself; but the intellect, and memory, or imagination, sometimes remain free, and run hither and thither. Hence, the Saint says

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(Camm. di perfez. p. 209) that the soul should not be saddened by this: "Let it laugh at its own thoughts," she says, "and let it abandon them as if they were foolish, and remain in its quiet; and when the will is the mistress, it will bring the thought back to itself, without any effort on your part." If the soul wishes to apply itself to collecting thoughts, it will accomplish nothing, and will lose its quiet. In this state, the soul should apply itself much less than in recollection to making determinations, or to performing acts that are drawn from itself; it should only perform those acts to which it feels itself gently impelled by God. 135. Now let us say something about the prayer of pure contemplation, that is, about negative contemplation, which was mentioned above.

[*Latin ed. p. 123*]

The negative contemplation, which is far more perfect than the affirmative one. This negative contemplation is called *Clara Caligo* (Clear Obscurity), because, due to the excessive abundance of light, the intellect is obscured: just as he who gazes upon the sun is blinded by the brilliance of its rays and sees nothing, but only understands that the sun is a certain great light; thus, God infuses a great light into the soul in this obscurity, which causes it to understand not some particular truth, but to acquire a certain general and confused knowledge of His incomprehensible goodness, from which the soul begins to form a most exalted idea of God, albeit a confused one. When the soul knows to some extent one of the divine perfections, it indeed conceives a lofty concept of His goodness, but the concept it forms is far better when it knows that the divine perfection cannot be comprehended. Cardinal Petruccius writes in his most learned letters that this prayer is called the prayer of obscurity, because in this life the soul is not capable of clearly understanding the divinity, and therefore, in this state, it understands by not understanding; but it understands far better than by any other way of understanding. It does not understand, because, since God is not a thing that forms an image or figure, the intellect cannot form an idea of Him, and therefore, it understands nothing other than that it cannot understand Him; therefore, this kind of understanding is called by the Areopagite: "Sublime knowledge of God through ignorance." In this prayer of obscurity, all the interior powers of the soul are suspended, and sometimes even the external senses: so that the soul sometimes enters into a *Spiritual Ebriety*, which causes it to break forth into certain deliria of love, such as singing, cries, immoderate weeping, dancing, and the like, as happened with Saint Mary Magdalene de' Pazzi.

156. After these stages, the Lord leads the soul to union. The sole purpose of the soul here should be union with God; but in order for the soul to attain perfection, passive union is not necessary; it is sufficient for it to reach active union. Very few, says Saint Teresa, are those souls that are led by God through supernatural ways: and we will see many in heaven

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who, without such supernatural graces, will be more glorious than those who have received these graces. Active union is perfect uniformity with the divine will, in which, certainly, consists the whole perfection of divine love.

[*Latin ed. p. 124*]

Perfection, says St. Theresa, (Council of the Love of God does not consist in ecstasies, but true union of the soul with God is a union of will with the divine will. This union is necessary, not merely passive; and those souls which have only the active, says the same Saint, through the prayer of Ps. 22.), it is possible that they may have a far greater merit; because they suffer greater labor, and the Lord directs them to be strong, and He preserves the consolations which they do not have in this life, so that He may give them later in the other. Cardinal Petruccius says that, without infused contemplation, a soul can indeed, through the benefit of ordinary grace, attain to the annihilation of its own will, and to its transformation into God, desiring nothing other than the will of God. And although it may feel the movements of passions, these do not hinder that aforementioned transformation; hence, she adds, that since all sanctity is placed in this, each one ought to desire nothing else, and ask from God, than to be guided by Him, and to accomplish His will in Him. St. Theresa, speaking of passive union, says (Mansions, V, ch. 1), that the soul, being placed in it, does not see, does not feel, nor does it perceive itself to be in this state; for from the abundance of light and love, that blessed darkness is formed, in which all the powers of the soul are suspended; for memory does not remember anything but God; the will is joined to God with such love that it cannot love any other object; and the intellect is so filled with light that it cannot think of anything else, nor even the grace which it is actually receiving; hence, it understands much, but it cannot perceive what it understands. In short, the soul, being in this state, has a clear and experimental knowledge of God present, who joins it to Himself in the center of the soul. This union, says St. Theresa (Life, ch. 18), does not last very long; but it does not exceed half an hour. In other contemplations, of which we have spoken before, God presents Himself to be seen as near to the soul; but here, He is present; and the soul experiences Him joined to itself through a certain sweet contact. Hence, says the Saint (Mansions, V, ch. 1), in other contemplations, the soul may doubt whether it is God; but in this one, it does not. Nevertheless, the confessor ought to warn her not to think that she has escaped being impeccable, and therefore, the more she sees herself endowed by God with such graces, the more she ought to...

[*Latin ed. p. 125*]

The humbler soul, and one detached from all things, ought to love the cross alone, and to be completely conformed to all divine dispositions,

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with constant fear lest her failings be punished more severely at that time, because of the greater ingratitude with which they are committed. Saint Teresa (*Mansions*, V and VI) states that she has known several souls who, having previously attained this state of union, afterwards fell headlong into mortal sins.

457. There are three kinds of union, namely: simple union, the union of espousal, and the perfect union, which is called the spiritual marriage. The simple union is that of which we have spoken thus far. Now it is necessary to speak of the union of espousal. This union is ordinarily preceded by intense spiritual purifications, of which we have already spoken above, number 428. In this union of espousal, there are three different degrees, namely: ecstasy, rapture, and elevation of the spirit. In the simple union, the powers are suspended, but not the bodily senses, although these remain very weak in their operation. In the union of ecstasy, the use of the senses is also lost, so that the person neither sees, nor hears, nor perceives any cuts or burns. Rapture, on the other hand, is nothing other than a certain more powerful impression of grace, by which the Lord not only elevates the soul to union, but also seizes it with a sudden and violent movement, so that sometimes even the body is lifted and made light, as if it were a feather. The elevation of the spirit is when the soul feels itself to be drawn away as if from itself, and lifted above itself with great violence, from which the soul experiences great fear from the very beginning. The elevation of the spirit contains both ecstasy, because the loss of the senses occurs, and rapture, that is, the violent movement. A certain person, having received similar graces from God, reported that in such elevations of the spirit, she seemed to herself as if her soul had been torn from her body, and lifted with such speed that she would complete ten times one hundred million miles in any given moment, not without great terror, because she did not know that she was ascending; but afterwards, when she had settled down, she was enlightened to understand some divine mystery.

But here arises a doubt: If in this union the powers are suspended, and the intellect, obscured by the abyss of light, cannot attend to the things that...

[*Latin ed. p. 126*]

He understands, in what manner the soul can ever comprehend, and speak of that divine mystery? The mystics respond that, when God wills that the soul understand some secret, or receive some intellectual or imaginative vision, He does not withhold a small amount of light, so that the soul remains capable of knowing and understanding whatever God wills. 158. Finally, the most perfect union, which is said to be consummated, and greater than God can grant to the traveling soul in this life, is that which is called the spiritual marriage, through which the soul is transformed into God, and becomes one thing with Him: just as a vessel of water poured into

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the sea becomes one with the water of the sea. And it must be noted here that, in the other unions, as the mystics say, the powers remain suspended; but in this one, they are least suspended; for the powers, purified from their sensitivity and materiality, have already become capable of divine union, so that the will loves God most peacefully, the intellect rightly knows, and attends to this intimate divine union, which has already been made in the center of the soul, just as if someone were to gaze upon the sun, and without any offense to the eyes, would recognize the splendor of the sun. Furthermore, it must be noted that this union is not transient, as are the two previous ones, but permanent; so that the soul habitually enjoys the divine presence already joined to it, and enjoys it in stable peace: for passions trouble it no more; indeed, the soul perceives them as they show their faces; but it is not saddened, nor does it suffer any annoyance from them, just as one who dwells above the clouds might see storms occurring below, and yet not be touched by them. 159. It will be necessary to say something here about visions, locutions, and revelations, in order to distinguish between false and true ones. Visions are either external or imaginative, or intellectual. External visions are those that are seen with the eyes. Imaginative visions are those that are seen in the imagination, or the imaginative faculty. Intellectual visions are those that are not seen with the eyes, nor in the imagination, but are perceived by the intellect alone, aided by the divine light, which infuses intelligible species; and this kind of vision, according to St. Theresa, is entirely spiritual; for it has no part of the senses, neither external, nor internal, which are the imagination and fantasy. It must be noted that neither the eyes, nor the imagination, can...

[*Latin ed. p. 127*]

To perceive things presented to oneself, unless in a bodily form, even if they are spiritual substances; and conversely, through the benefit of intellect, things are perceived to be only spiritual, even if they are material; or, to put it better, they are known, not seen, but known far better than if they were perceived by the eyes.

140. However, it must be noted here that these visions can be produced by both God and the devil; which is to be understood also of intellectual visions, as it seems to indicate St. John of the Cross (Spiritual Ascent, Book 2, chapter 24), contrary to what Cardinal Bellarmine thought, although bodily visions are much easier to produce, which, as a rule, and especially in women, are formed by the imagination itself. The signs for distinguishing true visions from false ones are: 1. If they come unexpectedly, without any preceding thought in the soul. 2. If, from the beginning, they bring confusion and terror, but afterwards leave the soul in peace. 3. If they are rare, because frequent ones are very suspect. 4. If they do not last long, for, as St. Theresa says (The Interior Castle, Book 6, chapter 9), when the soul perceives for a long time something presented to it, it is a sign that it is

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rather an act of the imagination. A divine vision usually passes like a flash of lightning, but remains fixed in the mind. 5. A true vision leaves the soul in perfect peace and with a vivid knowledge of God's mercy, not without a great desire for perfection; in contrast to diabolical visions, which leave little impression and leave the soul in a certain dryness, disturbance, movements of self-esteem, and with a keen sense of the lack of these graces. But, as St. Theresa says (Ibid.), with all the signs mentioned above, there can be no certain security, because often the demon feigns quiet, thoughts of humility, and desires for perfection; all of which is uncertain as to their origin; for often the demon himself, in order to gain credibility, suggests these things, so that he may eventually perceive the fruit and deceptions that he intends. Therefore, the director, speaking in a regular manner, should not prevent the soul from relating to him such visions, but rather should urge her to reveal whatever she sees, whether it is true or false, as St. Theresa teaches (The Interior Castle, Book 5, chapter 9), but on the contrary, should show no curiosity in knowing such visions, nor should he question the soul about them in detail: nor should he anticipate by saying: "Was it not so? Did you see this, or that?" for then the soul easily answers in the affirmative or out of malice.

[*Latin ed. p. 128*]

Indeed, either through simplicity. If he clearly knows that such visions are the work of fantasy, or of the devil, because they perhaps draw the soul away from obedience, humility, or some other virtue, then he should plainly tell him this. However, if the confessor does not discern this, it is not entirely advisable to assert with absolute certainty that these visions are either diabolical or fantasies, as some who are excessively incredulous are wont to do (in contrast to others who are excessively credulous and believe everything to be true); but rather, he should tell the penitent to pray to God that he may not be led further along such dangerous paths, and that, as long as he lives on earth, he wishes to know God only through the way of faith. Furthermore, he should suggest that, from the visions he has had, whether false or true, he may perceive the fruit that is most necessary, and especially that of behaving properly with God; for by acting in this way, even if the visions were from a demon, the demon will remain defeated.

141. Now, concerning locutions, a locution can be successive, formal, and substantial. A successive locution is when the soul, meditating on some truth of faith, feels as if it is being answered by its own spirit, but as if by an external person. This, when it produces good effects, such as extraordinary love or humility, can be a special light from God; but when it does not increase the usual love, it is a sign that it is the understanding of the soul's own intellect. A formal locution is when the soul hears some formed words, but from outside itself; and this can be perceived either by the ears, or by the imagination, or by the intellect. To discern whether this is divine

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or diabolical, one must consider the things it expresses, or the actions it commands; and the effects it leaves behind. Especially, if it is divine, and commands some work of patience, of self-abasement, or any other spiritual work, it will leave a certain ease in enduring all things, in working, and in humbling oneself. A substantial locution is the same as a formal locution, and differs only in its effect; for a formal locution either instructs or commands; whereas a substantial locution immediately produces what it expresses; for example, if it says: "Be consoled; do not fear; love me," the soul will at that very moment be filled with consolation, be fearless, or be inflamed with love. This kind of locution is safer than all the others; for the first is very uncertain; the second, that is, the formal one, is very suspect, especially when it commands actions to be performed; therefore, if the director observes that the things commanded are Christian and prudent...

[*Latin ed. p. 129*]

If they are contrary to prudence, they must be entirely prohibited; but if they are not contrary to prudence, it is advisable to suspend their execution until a greater security is attained, and even more so if the matters are extraordinary. 142. Finally, with regard to revelations of hidden or future things, such as the mystery of faith, the state of consciences, the predestination of souls, death, promotion to some dignity, and similar matters; these can be received in three ways, namely through visions, through locutions, and through understandings of naked truths. In such revelations, the director must exercise great prudence, and should not be too easily inclined to believe, and especially to act upon, when it is a question of assuring someone based on knowledge received in a revelation. Above all, he should instruct the soul not to disclose the revelation to others, and he himself should always proceed with the utmost caution, indeed, he should seek the counsel of wiser individuals, because most often such revelations are doubtful and suspect. Less suspect, however, are the understandings of simple truths concerning mysteries, divine attributes, the malice of sin, the unhappiness of the damned, and similar matters: these, as St. John of the Cross says (Ascent of Mount Carmel, Book 1, chapter 33), the soul should not seek; but if they are granted to it, they should be humbly received and not rejected. 143. Here arises a doubt: Whether all these kinds of graces and supernatural communications should be rejected or accepted. And, as a learned author says (Fr. Bernard of Castelvetere, Directives for Missionaries, Book 2, page 2, chapter 1), along with St. John of the Cross and others: those graces that are contrary to faith, because they consist of certain distinct notions, such as visions, locutions, and revelations, should be rejected with all effort; but, on the contrary, those that are in harmony with faith, such as confused and general knowledge, and divine touches that unite the soul to God, should not be rejected, but rather can be humbly sought and desired, so that the soul may be more and more united to God

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and strengthened in His holy love. This, however, applies to those souls who are already granted such favors, because for others, the safer course is to desire and seek only the active union, which, as we have said, is the union of our will with the divine will. Therefore, when the director encounters a soul with these communications—

[*Latin ed. p. 130*]

Concerning communications of contemplation, or of light, or of union, he ought not to impose upon her that she reject them, but that she receive them humbly, and with thanksgiving. He should always use words that do not make the soul entirely secure, but that leave some fear, which, although it does not disturb her, will nevertheless keep her in humility, and prevent her from becoming alienated from all things. Furthermore, the confessor should most strictly command that certain distinct knowledge received through visions, and things similar to them, as we said above, be refused; always, however, with a spirit of humility (and without any contempt, such as spitting in the face, mocking, etc., which is not permitted, as many assert); and that she protest before God that she wishes to serve Him in pure faith. Moreover, St. Theresa says (Life, chap. 15, and Mansions, VI, chap. 9), that whenever the soul feels itself sweetly inflamed with love for God, it should consider this a divine communication, not so that it believes itself to be better than others, but so that it may prepare the soul to walk more perfectly before God; for by acting in this way, God will ensure that the demon, even if he has some influence, remains defeated, and harms himself with his own weapons.

144. Let us conclude. Therefore, the director should: 1. Impose upon the soul, as we said above, that she faithfully recount all the communications she has in prayer, but that she should not show any eagerness to know them; nor should she ever reveal to others the supernatural graces that have been granted to her penitent; for it will happen that they will rely on her prayers, and expose her to great danger of pride; or, if, after this knowledge, they notice even the slightest fault, they will be greatly scandalized, and will hold her in derision. 2. He should not show this soul any particular sign of esteem for such favors, and much less send other penitents to seek counsel from her, or to request solace, or direction; rather, he should make her seem less important than other souls who walk the path of faith, because souls who are adorned with these favors are, by regular speaking, always and greatly to be humbled. 3. If he observes that the soul is preserving humility and fear in these divine communications, he should help her, indeed, and make her feel secure, whenever he knows it is appropriate. St. Theresa says that a soul will never be moved to do great things for God, unless

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it recognizes that it has received great things from God. Indeed.

[*Latin ed. p. 131*]

The same Saint, when she was made more secure by the Most Holy Fathers Francis Borgia and Peter of Alcantara, from that time onward, having received the gifts she had received, did not strive further for perfection, but rather developed. Nor should the director judge all such communications as lies and illusions, simply because he observes the soul repeatedly falling into some defect (for defects are not always fully considered, or committed with adherence and contempt). The Lord grants such graces not only to perfect souls, but sometimes even to imperfect ones, that is to say, in order to deliver them from their imperfections and to raise them up to a more perfect life. Therefore, when it is recognized that through such communications the soul is increasingly freed from passions, and progresses in divine love, and in the desire for perfection, it is a sign that these are good. As for external graces, such as visions, locutions, and revelations, generally speaking, as we have said, it is safer for the director to show himself to be of little faith, by saying what Saint Teresa said from Heaven after her death to a certain religious person: "Do not trust in visions and particular revelations, nor seek perfection in having them: for although some of them are true, many more are false and deceitful: and it is difficult to find one truth among many lies (for there are more false visions than true); and the more eagerly they are sought and valued, the more the person will stray from faith and humility, which is the safer path that God has placed." Therefore, it is advisable to pray to God that He may grant a true ecstasy, that is, a complete detachment from earthly things and from oneself, without which one will never be able to attain perfection. But if the director ever observes that the soul is not well founded in the knowledge of its misery, and insists on believing that its communications are divine; and is disturbed to hear that the director is unwilling to believe such things, this is a very bad sign: it is a sign that these are from the devil, by the effects that are observed, namely, adherence to pride; or it is an indication that the soul is not walking well, because it should at least doubt, whenever the confessor doubts, and therefore in this case, how much it should be humbled, and held back as much as possible; and then, if even then it does not acquiesce, deprive it of communion, and mortify it more severely, because...

[*Latin ed. p. 132*]

Then, the soul is in great danger of being deceived by the demon. Finally, the director, even if he indicates that the soul's communications are certain to be from God, should advise it to always keep before its eyes (or at least in the beginning) some point of the life or passion of Jesus Christ. Saint Teresa said that a soul which loses the guidance of the good Jesus will never attain perfect union with God. Souls who are beginning their spiritual life

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meditate on the Lord's passion in the manner of discourse; contemplative souls, however, do not use discourse, but, having set before themselves some mystery, they admire the divine goodness, mercy, and love, and thus God, when it pleases Him, leads them to the contemplation of His divinity.

III. Of Mortification. 143. Regarding mortification, it must be noted that when souls begin their spiritual life, it is customary for the Lord, as we have said, to attract them with sensible consolations, and in the beginning, they are often eager to mortify themselves with disciplines, cilices, fasts, and similar afflictive exercises. Meanwhile, the director must be very cautious in granting such mortifications; for otherwise, when the time of aridity arrives, as it usually does, the soul, deprived of its former sensible fervor, easily abandons all its mortifications, and, beginning to distrust, it will also abandon prayer, and even spiritual life itself, considering them to be things less suited to it, and consequently, it will lose everything. Sometimes it also happens that souls, because of that first fervor, give themselves to excesses, and fall into bodily illnesses, and then, to recover, they abandon all spiritual exercises, with great danger of not resuming them again. Therefore, the director must take care that first they are strengthened in the spiritual life, and afterwards, considering the circumstances of their health, their occupations, and their fervor, he may grant them those external mortifications which he judges to be more suitable for them, according to Christian prudence. I say according to Christian prudence, because there are some directors who are so imprudent that they seem to believe that all of a soul's progress consists in burdening it with fasts, cilices, and bloody disciplines.

[*Latin ed. p. 133*]

Others, on the other hand, seem to reject all external mortifications as entirely useless for spiritual progress, placing all perfection in interior mortification. But these also are mistaken, just as the first group, because bodily mortifications aid the interior ones, and are, in a certain sense, necessary (when they can be practiced) to restrain the senses, and therefore we read that they have been more or less frequently practiced by all the saints. It is true that interior mortification of passions is most especially required of penitents; for example, not to respond to injuries, not to seek, nor to manifest to others things that tend toward one's own estimation, to yield in contentions, to conform to the will of others (but without spiritual detriment). Therefore, it is sometimes advisable for a soul to abstain from all external mortifications, until it feels itself free from some dominant passion, such as vanity, resentment, greed for worldly things, self-esteem, or one's own will. But to absolutely assert that external mortifications are of no use, or of little use, is the greatest error. St. John of the Cross said that those who reject penances should not be given any credit, even if they performed miracles.

146. Therefore, from the beginning, the director should above all instruct

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the penitent never to do anything against, or without, his obedience. Those who perform penances against obedience, says St. John of the Cross, progress more in vices than in virtues. Also, as I said, the director should be very cautious in granting such mortifications, even if the penitents find it troublesome; it is sufficient at the beginning to grant them some slight, but rare, mortification, such as the discipline, an iron chain, or abstinence, rather to inspire in their minds a desire for mortification, than to mortify them as much as is fitting; and later, with the passage of time, he can act more liberally, according to the progress that the soul makes in virtues; for when it is firmly established in the spirit, he will not be able to deny it suitable mortifications without scruple.

Furthermore, speaking generally, he should propose to himself this rule: never to grant external mortifications unless they are requested, because they are of little use if they are received without great desire; and whenever he grants them, he should always grant less than is requested, and rather, as in...

[*Latin ed. p. 134*]

Let Cassian, rather, excel in denying than in granting. He must especially urge external mortification concerning food, since some spiritual souls are not very fond of it: this is truly the most difficult, but most useful, for the soul, and often even for the body. Saint Philip Neri said: "He who does not restrain his appetite will never attain perfection." On the contrary, he should be sparing in granting mortifications of sleep, because these easily harm both the body and the soul; for, if sufficient sleep is taken away, the head suffers, and with a languid head, the person remains incapable of meditating and of other exercises of devotion. Whatever mortification he grants to the penitent, so that he may deprive him of all opportunity for pride, he should persuade him that this is nothing at all in comparison to what the Saints did, and in comparison to the punishments which Jesus Christ endured for us. Saint Teresa said: "Everything we can do is unclean in comparison to one drop of the blood which the Lord shed for us." Negative mortifications are better, more useful, and less exposed to dangers; and, speaking generally, obedience to a director is not necessary to perform them, such as depriving oneself of the sight or hearing of curious things; speaking sparingly; being content with less appetizing or poorly prepared food; not approaching the fire in winter; choosing less valuable things for oneself; rejoicing and being glad when some things, even necessary ones, are lacking; for in this consists the virtue of poverty, as Saint Bernard said: "The virtue of poverty is not poverty itself, but the love of poverty." Furthermore, one should not complain about the inconveniences of the times; about contempt for oneself; about persecutions, and about the annoyances of bodily infirmities. The stones of the heavenly Jerusalem are perfected by trials and sufferings. Saint Teresa said: "To believe that God admits into

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His friendship a people who love comfort is madness." Souls who truly love God do not seek quiet.

147. Here arises a doubt: The Gospel says in one place: "So let your light shine before men, that they may see your good works, and glorify your Father who is in heaven." (Matthew 5:16). In another place it says: "But when thou dost alms, let not thy left hand know what thy right hand doth." (Matthew 6:3). Therefore, the question arises, whether acts of virtue are to be made manifest to others, or to be kept hidden? And the answer is given by making a distinction: concerning...

[*Latin ed. p. 135*]

The common practices necessary for the exercise of Christian virtue ought to be performed openly; such as frequent reception of the Sacraments, mental prayer, visits to the Venerable [religious], hearing Mass with the knees bent, and with interior recollection of spirit; having modest glances, maintaining silence in the Church; saying: "I wish to become holy"; avoiding chatter, dangerous conversations, curiosities, and the like. Truly, those works which are said to be extraordinary acts of penance, and which seem to possess a certain singularity, such as, as mentioned above, external penances of scourging, flagellation, prayer with the arms extended in a cross, eating bitter herbs, sighs, and tears during prayer, etc., ought to be concealed as much as possible. But the other works of virtue, such as ministering to the sick, giving alms to the poor, humbling oneself when being injured, and the like, it will be better to conceal as much as possible; but if they cannot be performed except publicly, they should not be omitted, provided that they are done only with the intention of pleasing God.

§. IV. Concerning the Frequency of the Sacraments.

448. And now, something must be said about the manner in which a confessor ought to guide spiritual souls concerning the frequency of the Sacraments, namely, of Confession and Communion. With regard to Confession, it is advisable to urge those who have not yet done so to generally confess their sins; because if they have already done so, or if the soul is agitated by scruples, this Confession should be entirely prohibited; as for the ordinary Confession, some souls of a more delicate conscience are accustomed to confess daily; but, generally speaking, it is sufficient for spiritual persons, especially those who are scrupulous, to confess once, or at most, once a week. But when any of these are burdened by a slight fault, and do not have the opportunity to confess, Father Barisonius, in his treatise on Communion, relying on the authority of St. Ambrose, and of many other authors (which St. Francis de Sales also suggests in one of his letters), says that they should not, for this reason, omit Communion; for the Sacred Council of Trent teaches that there are also other means for the

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remission of venial sins, such as acts of contrition and love.

[*Latin ed. p. 136*]

It is then better to purify the soul from that sin by using these means, than to be deprived of Communion because of the absence of a confessor. And a certain wise director said that, sometimes, for certain fearful souls, it is more profitable to prepare themselves for Communion through their actions, than with Confession itself. And it often happens that, at that time, the soul prepares itself with more fervent acts of contrition, confidence, and humility.

149. Regarding Communion, we are not speaking here of the obligation of pastors of souls not to deny Communion to any subject who is not publicly a sinner, and whenever he reasonably requests it. We have said enough about this in the Book (Lib. 6, n. 254), where we saw that Innocent XI, in a certain Decree, ordered that the use of frequent Communion be entrusted to the prudence of confessors; therefore, I do not know how, without evident cause, pastors can, with a clear conscience, deny Communion to those who request it. And it should be noted that in the aforementioned Decree, Bishops are prohibited from prescribing to their subjects the days on which they should receive Communion; but we are speaking here only of the manner in which confessors ought to behave in granting Communion to their penitents. Some err through excessive leniency, others through excessive rigor. There is no doubt that error exists, as noted by the Most Holy Pope Benedict XIV in his golden book on the Synod, in granting frequent Communion to those who often fall into grave sins, and are not concerned about doing penance, and about their amendment; or to those who approach Communion with an affection for deliberate venial sins, without any desire to free themselves from them (Lib. 6, n. 270). It is indeed sometimes advisable to grant Communion to some who are in danger of falling into mortal sins, so that they may receive strength to resist; but with respect to dear persons, who do not exist in such danger, and on the contrary, habitually commit deliberate venial sins, and in whom there is no amendment, nor any desire for amendment, it will be best not to allow them Communion more than once a week, indeed, it may sometimes be beneficial to deny them Communion for the entire week, so that they may experience greater horror at their defects, and greater reverence for this Sacrament (C. Peracta 40, Dist. 2, de consecr.). All the more so, because the opinion...

[*Latin ed. p. 137*]

It is more correct to hold that receiving the Eucharist with a slight actual sin, or with a disposition towards it, constitutes a new fault because of the irreverence that is shown to the Sacrament. Some assert that the Decree of St. Anacletus (Roman Catechism on the Sacrament of the Eucharist, p.

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2, n. 61) states: "After the consecrations have been completed, let all communicate who have not wished to abstain from the limits of the Church; for so the Apostles decreed, and so the Church of Rome holds." However, first, it is denied by Suarez and others that such a precept of the Apostles ever existed. Secondly, the aforementioned Decree, as the Glossa testifies, and the Roman Catechism (Ibid. n. 60), did not obligate all the faithful, but only the ministers assisting at the altar. And finally, even if the Decree did obligate all, it is certain that today it has fallen into disuse.

150. On the contrary, certain directors are certainly mistaken, and they stray far from the spirit of the Church, when, without any regard for the needs or progress of souls, they indiscriminately deny frequent Communion, not for any other reason than because it is frequent. The Roman Catechism (Ibid.) itself, explaining the desire of the Council of Trent that all present at the sacrifice of the Mass should communicate, teaches that it is the duty of the parish priest diligently to urge the faithful to Communion not only frequent, but also daily, with the obligation of instructing them that, just as the body needs daily nourishment, so too does the soul. I omit here the citations of the authorities of the Saints and Doctors, which are entirely in conformity with this, because they are found noted in so many books that treat of frequent Communion. It is sufficient to know from the Roman Catechism in the aforementioned passage, and from the Decree of Innocent XI, mentioned in our book (Lib. 6, n. 234), that the frequent use of Communion, indeed the daily use, has always been approved by the Church and by all the Fathers, who, as a learned author demonstrates, whenever they noticed the practice of daily Communion to be cooling, they employed all diligence to restore it. And in the Third Synod of Milan, held under St. Charles Borromeo, it was ordered that the parish priests should exhort the faithful in their sermons to this frequency of Communion; and furthermore, it was imposed upon the bishops of the province to forbid those to preach, and to severely punish those who disseminated the opposite, as sowers of scandal, and contrary to the sentiment of the entire Church. Moreover, in the aforementioned Decree of Innocentius...

[*Latin ed. p. 138*]

It is incumbent upon Bishops to diligently ensure that no one is denied Communion, even daily, and to encourage devotion to this practice among their subjects, as is fitting. Some, with a stricter spirit, openly acknowledge that daily Communion is indeed permissible, but they maintain that a proper disposition is required for it. However, we desire to know what these individuals understand by the term "proper disposition." If they mean "worthy," then who ever should be denied access to the Eucharist? Only Jesus Christ worthily received the Eucharist, for only God could worthily receive God. If, however, they mean "suitable disposition," then it has already been stated that those who have actual venial sins, or a

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tendency towards them, without a desire for amendment, should be denied frequent Communion. But if we speak later of those who have removed even the inclination towards venial sins, and have overcome the greater part of their evil inclinations, and who have a strong desire to receive Communion, then Saint Francis de Sales (Introduction to the Devout Life, chap. 20) states that such individuals can rightly receive Communion daily, with the prior advice of their director. And Saint Thomas (4 Sent., Dist. 12) teaches that when a soul experiences that it grows in divine love through Communion, and does not diminish in reverence for the Sacrament, it should not abstain from Communion, even daily; indeed, the very words of the Saint are: "If someone has experienced that from daily Communion, their fervor of love increases, and their reverence does not diminish, such a person should receive Communion daily." 151. And although abstaining from Communion on any given day is also a virtue, it is the common opinion of the Doctors, as Father Granata states in his treatise on Communion, that it is better to approach Communion daily out of love, than to abstain out of reverence. And this is confirmed by the same Saint Thomas (p. 5, q. 80, art. 10, ad 3), who says: "And therefore, both pertain to the reverence of this Sacrament, that it be taken daily, and that it be sometimes abstained from...." However, love and hope, to which Scripture always calls us, are preferred to fear. Indeed, Father Barisonius rightly says that he who approaches the Eucharist with a desire to grow in divine love, also performs an act of reverence towards Jesus Christ; indeed, he performs a positive act, while he who abstains performs only a negative one. Many saints,

[*Latin ed. p. 139*]

Those who held great reverence for this Sacrament did not abstain from daily Communion, as was the custom of St. Gertrude, St. Catherine of Siena, St. Theresa, Blessed Joan of Chantal, and others. And those who assert today that such saints no longer exist, Father Barisonius rightly points out, are rash in supposing that the hand of the Lord is now shortened. The Very Reverend Father Avila does not hesitate to say that those who condemn those who frequently approach the Eucharist are performing the work of the devil.

152. Furthermore, considering the doctrines mentioned, it seems impossible for a director to deny frequent, and even daily, Communion (except, speaking generally, for one day in each week, as some prudent directors are wont to do, and except for that time when those preparing for Communion may wish to abstain, in order to test their obedience or humility, or for some other just reason) to certain souls who desire it in order to make progress in divine love; always, of course, provided that they are, in fact, detached from any kind of venial sin, and that they devote themselves to much mental prayer, and strive to attain perfection; and that they do not fall into sin,

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even venial sin, fully and deliberately. For, as St. Prosper says, this is the perfection that can be attained in this life, given human frailty. And when a confessor knows that it will be beneficial to grant frequent Communion to such persons, Innocent XI, in his Decree, states that nothing prevents it, even if they are merchants or married people. His words are: "Frequent access to the Eucharist is to be permitted by the judgment of confessors, who, considering the purity of conscience, the fruit of frequent reception, and the progress in piety of lay people, merchants, and married people, must prescribe it to them, if they believe that it will be beneficial to their salvation."

153. And although some soul may occasionally fall into a venial sin through mere weakness, but afterwards quickly repents and proposes amendment; if, then, that soul desires to receive Communion in order to gain strength from the Sacrament, so as not to yield, and to make progress on the path to perfection, why should Communion be denied to them? The proposition 22 of Baji, which stated: "It is sacrilegious to judge those who have the right to Communion," has already been condemned by Alexander VIII.

[*Latin ed. p. 140*]

They claim to be worthy to receive it, before they have made amends for their sins. And Proposition 25. Similarly, those in whom the purest love of God is not yet present, and who are free from all mixture, should be excluded from the Holy Communion. The Holy Council of Trent called this sacrament: "The antidote by which we are freed from daily sins, and by which we are preserved from mortal sins." Indeed, for the purpose of preserving the soul from relapses, the Apostles granted daily Communion to the early Christians, among whom, without a doubt, there were also imperfect individuals, and perhaps even more imperfect ones, as is argued from the Epistles of St. Paul and St. James. The Holy Church (in the post-Communion prayer for the Feast of St. Philip and James, the 23rd day after Pentecost) prays that whatever is vicious in our mind may be healed by the gift of this sacrament. Therefore, Communion was instituted even for the imperfect, so that they may be healed by the power of this food. It should also be noted what St. Francis de Sales says in his *Philothea* (Devout Life, chapter 21) on this matter: "If they ask you why you communicate so frequently, answer them that two kinds of people should communicate more often: the perfect, in order to maintain themselves in perfection; and the imperfect, in order to be able to attain perfection. The strong, lest they become weak; the weak, that they may become strong; the infirm, that they may be healed; the healthy, lest they become infirm. And as for you, who are imperfect, infirm, and weak, you need frequent Communion. Tell them that those who are not involved in worldly affairs should communicate more often, because they have the opportunity; but those who are occupied

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with such affairs, because they need Communion." Finally, St. Francis concludes, saying: "Approach the Eucharist more often, O Philothea, indeed as often as possible, with the advice of your director, and believe me, that the hares in our *montibus* become white, not by any other means, than because they eat only snow: and you, by eating purity in this sacrament, will become entirely pure." Also, Father Granata, in his treatise on Communion, says: "A man should not abstain from this sacrament because of his own unworthiness; for this treasure has been left for the poor, and this medicine for the sick: and therefore, no one (he adds), who knows himself to be imperfect, should keep himself far from this remedy, if he truly desires to be healed. Indeed, the same author says that the more a person knows himself to be weak, the more he should approach this food of the strong.

[*Latin ed. p. 141*]

This is highly consonant with what Saint Ambrose says (Book 4, *De Sacraments*, chapter 6): "He who always sins, must always have medicine," and Saint Augustine (Book 5, *De Sacraments*, chapter 4): "Sin daily, take daily." 154. Furthermore, Saint Thomas teaches (*Summa Theologica*, 5th part, question 79, article 8), that the effect of the Sacrament, as regards the increase of grace, is not hindered by venial sins, provided that they are not committed at the very time of Communion; and although these sins may impede in part, they do not entirely prevent the effect of the Sacrament. This opinion is commonly held by Soto, Suarez, Valentia, Vasquez, Coninkius, and many others, as stated by the authors of Salamanca (Book 6, number 270, see Question II). Moreover, several more important authors (Ibid., number 269, see Effect II), state that this Sacrament, by its very operation, remits venial sins, of which the soul does not presently have true repentance; and this is in accordance with what the Roman Catechism says (On the Eucharist, page 2, number 52): "It is not to be doubted that the Eucharist remits, and forgives, the lesser faults, which are commonly called venial sins; for whatever the soul may have omitted through the ardor of desire, the Eucharist restores it, cleansing it of these lesser faults." At the very least, as the Angelic Doctor says (*Summa Theologica*, 3rd part, question 79, article 4), the act of charity is aroused through Communion, by which sins are forgiven: "This act of charity is aroused in this Sacrament, by which venial sins are forgiven." 155. However, if it is later discovered that, despite frequent Communion, the soul makes no progress on the path to perfection, and does not improve in avoiding deliberate sins, even if they are venial, and if it still clings to sensual pleasures in seeing, hearing, eating, or dressing in a vain manner, then the use of Communion must certainly be restricted, even so that the person may seriously begin to consider their own amendment, and to strive for their spiritual perfection. Furthermore, it should be noted that, although, according to Saint Thomas (Ibid., question 80, article 10), it is

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required that one approach Communion with great devotion, it is not necessary that this devotion be the highest, or openly felt. It is sufficient for the director to discern in the depths of the will of the penitent, a certain eagerness to do whatever pleases God. He who abstains from Communion because he does not feel within himself a great fervor, says the learned Gerson, is to be compared to that man...

[*Latin ed. p. 142*]

Those who are excessively scrupulous will not wish to approach the altar, because they experience no warmth within themselves. Therefore, Father Grunata, along with Cajetan, teaches that those timid souls who, out of an immoderate fear of their unworthiness, omit the Holy Communion, inflict a great prejudice upon their own spiritual progress. And Saint Lawrence Justinian says that it is not necessary for the soul to feel, or openly discern within itself, an increase in devotion, in order to receive the sacraments, because this sacrament often works, without us even noticing it. Saint Bonaventure says (De Profectu Religiosorum, chapter 78): "Although one may feel lukewarm, yet, confident in the mercy of God, one should approach with assurance, because he who considers himself unworthy should remember that he needs the physician all the more, the more he feels himself to be sick; and one does not seek to join oneself to Christ in order that one might sanctify Him, but in order that one might be sanctified by Him." And afterwards he adds: "Nor should the Holy Communion be omitted, if at times a person does not feel a special devotion, even though he strives to prepare himself for it, or even if, after receiving it, he feels less devotion than he would like." Therefore, the Saint rightly says that even if the soul experiences less devotion after receiving the Eucharist than before, it should not, for that reason, omit it. Therefore, just as it is advisable, when the soul feels itself to be most inclined to Communion, to restrain itself and postpone Communion (especially if it is noticed that this restraint causes disturbance; for such distress is a sign of pride, which truly makes one unworthy), so, conversely, when one feels aridity and aversion to receiving the Eucharist, it is advisable to urge oneself more frequently to approach Communion, in order to draw strength from the sacrament. Oh, if there were more souls of this kind (who, by some who are excessively rigid, are called irreverent and rash), who, even with minor faults, would desire to communicate, not only frequently, but even daily, with a true desire to improve themselves and to progress in divine love: if this were the case, Jesus Christ would be loved far more in the world. Experience demonstrates to all who exercise the ministry of guiding souls, as I myself have experienced, that those persons who approach Communion with a sincere desire greatly profit. And the

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Lord...

[*Latin ed. p. 143*]

It is indeed wondrous how He draws souls to His love, even though He often does not manifest this to them for their greater good; and indeed, He often leaves them in darkness, and desolation, and without any perceptible devotion. For these souls, as Saint Teresa and Saint Henry teach, there is no more effective remedy than frequent Communion. Therefore, let the confessor take care to encourage Communion whenever a true desire is demonstrated, and whenever he observes the soul to be progressing spiritually through the benefit of Communion. He should also suggest that, after Communion, the soul should devote itself to an act of thanksgiving for as long as it is able. Very few directors diligently do this; that is to say, they do not impress upon their penitents to offer thanks for a considerable time after receiving the Eucharist, because very few priests themselves remain in an act of thanksgiving with Jesus Christ after the sacrifice of the Mass; and therefore, they are ashamed to suggest to others what they themselves do not do. The act of thanksgiving should ordinarily last for a full hour; at the very least, it should last for half an hour, in which the soul exercises itself in loving and petitioning. Saint Teresa says that after Communion, Jesus is present in the soul as on a throne of mercy, so that thanks may be given to Him, saying: "What do you wish that I should do for you?" And elsewhere: "After Communion, let us not lose this most excellent opportunity of negotiating." Divine Majesty does not usually fail to repay hospitality well, if it is received well in the soul. He should also suggest that the soul communicate spiritually more often; this practice is highly commended by the Council of Trent. To communicate spiritually (as Saint Teresa says) is very useful. Do not neglect this: here the Lord will experience how much the soul loves Him. *S.V. Methodus vitæ pro aliqua moniali quæ exposceret dirigi per viam perfectionis. 156.* Before all else, it must be understood that what I will explain below should be observed, whenever it does not hinder the penitent due to some impediment of health, duty, or obedience; and it must also be understood with the permission of the spiritual father, and also of the Prelate of the monastery, with regard to external mortifications which are exposed to the eyes of others.

[*Latin ed. p. 144*]

457. And first, concerning prayer: 1. To dedicate at least three hours to mental prayer, one in the morning, another in the evening, and a third after Communion. 2. To visit the Blessed Sacrament, and the Blessed Virgin Mary, for half an hour, or at least a quarter of an hour. In these prayers, one should renew their vows frequently during the day, if they have already made a profession, or those to which they are perhaps bound. 3. To recite the Rosary, consisting of at least five decades, along with other vocal

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prayers; but these are not always beneficial, because when there are many people, they are recited with little devotion, they tire the head, and thus hinder mental prayer. 4. To use very short prayers, such as: "My God, and all, how good you are, my God!" "I love you, Jesus, my love, for you were crucified for me, Lord, why are you not loved by all?" "Oh, that I had never offended you!" "I want, Lord, whatever you will." "When will I see you, and love you face to face!" "Behold me, do with me whatever you will." A director should strongly encourage these kinds of prayers of love, and they will do great good for the soul. 5. To add to prayer, spiritual reading for half an hour, reading the works of Rodriguez, or Santejores, or "Monita ad religiosos," or another book that deals with virtues, or to read the lives of the Saints, whose reading is perhaps more useful than all the others. 458. Secondly, to approach Holy Communion daily, except for one day in each week. But during novenas of the Holy Spirit, of the Nativity of the Lord, and of the most holy Mary, and of the patron saints, one should receive Communion daily, and should receive spiritual Communion at least three times daily. 459. Thirdly, concerning mortifications: 1. To use a flagellation without blood for about a quarter of an hour daily, and a flagellation with blood twice, or at least once a month. 2. To wear an iron chain from morning until after lunch; after lunch, a small chain on the arm. However, one should never wear a chain around the waist, nor a cilicia made of horsehair, because these are very harmful to health. 3. To fast on bread and water on Saturdays, and during the vigils of the seven feasts of Mary, if one's health allows, or at least to use only one meal. In the evening meal, one should ordinarily not exceed eight ounces of food, unless there is some extraordinary need; one should abstain from fruits on Wednesdays and Fridays, and during the novenas mentioned above, in which one can also abstain from

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A certain other portion of the usual food; and when eating, mix a small amount of a bitter herb with the food, but never ashes. Nothing should be eaten outside the table, because it is better, comparatively speaking, to practice daily abstinence, than to fast twice, or three times, in the week. Sleep should not extend beyond six hours: always, however, to five; because exceeding this amount is harmful to the head, and hinders other spiritual exercises.

4. Observe silence for three hours of the day, which is to be understood as refraining from unnecessary words. The following are general instructions for perfection.

160. I. Place all one's trust in God, and entirely distrust oneself, and one's own good intentions. A firm determination to overcome oneself, and to resist temptation in all circumstances. St. Teresa says: If the fault does not proceed from us, let us not fear that God will withhold from us the help

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necessary for our sanctification.

161. II. Be careful to avoid any deliberate fault, or one knowingly committed. God deliver you from deliberate sin, however small it may be, says the same Saint. She adds: For the demon, through the means of the smallest things, makes certain breaches, through which great evils enter.

162. III. Do not be saddened after having committed faults, but quickly humble oneself, and flee to God with a brief act of contrition, and with the intention of returning to peace; and thus act always, even if one were to fall a hundred times in a day. And on this point, St. Teresa warns that one's own temptations should not be communicated to imperfect souls, because in this way, harm is caused to both oneself and others.

163. IV. Detach oneself from all attachments, to relatives, to things, to pleasures; otherwise, says St. Teresa, the soul, not detaching itself from worldly pleasures, will not, after a long time, detach itself from the path of God. Avoid familiarity with people of the opposite sex, however religious they may be; for often the devil introduces with them certain impure affections, presenting them as spiritual. See notes no. 119. Above all, one must renounce one's own opinion, and one's own will, indeed, even spiritual things, such as prayer, Communion, and mortifications, when obedience does not permit it.

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164. It is necessary, with a single word, to banish from the heart everything that is not God, and that which is not according to the greater pleasure of God. V. To rejoice in spirit whenever one sees oneself being despised, mocked, and considered the most worthless of all. Oh, how beautifully that soul prays which willingly embraces contempt! Especially in communities in which this virtue is most necessary; consequently, it is necessary to have a special affection for our enemies and persecutors, serving them, doing them good, honoring them, at least blessing them, and commending them especially to God, as the Saints were accustomed to do.

165. VI. To nourish a most ardent desire to love God and to please Him. St. Teresa says: "The Lord is so delighted by desires, as if they were about to be carried out." Without this desire, the soul will not progress on the path of perfection, nor will God grant it very special graces. The same Saint says: "Usually, God does not bestow very special favors, unless one is the one who has ardently desired His love." This desire must always be joined with the determination to do as much as we can to please God. The aforementioned Saint says: "The devil fears generous hearts most of all." And elsewhere: "The Lord demands nothing from us except a firm determination, so that He Himself may perfect the rest." It is also necessary to have the highest regard for prayer, which is the furnace in which divine love is kindled. All the Saints, because they loved God alone, also loved prayer alone. It is also necessary to ardently desire paradise; for in heaven,

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souls love God with all their powers, which no one can achieve on earth, and therefore, God wants us to desire this kingdom most ardently, which Jesus Christ acquired for us with His blood.

166. VII. To have great conformity to the divine will in all things, contrary to our own appetites, and to offer oneself to God many times a day. St. Teresa used to do this fifty times a day: "Progress," says the Saint, "does not consist in seeking greater enjoyment of God, but in fulfilling His will." And elsewhere: "True union is to unite our will with the divine will."

167. VIII. To render exact obedience to the rules, to superiors, and to one's spiritual director. Very Reverend Father Vincent Carassa said:

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Obedience is the queen of all virtues; for all virtues are subject to obedience. And St. Theresa says: God demands nothing else from the soul that proposes to love Him, than obedience. True obedience, however, consists in obeying promptly, faithfully, readily, and without any judgment, never seeking a reason, whenever something commanded is not certainly a sin, as SS. Bernard, Francis de Sales, Ignatius of Loyola, and all the masters of the spiritual life say; and in doubtful matters, to choose that which one presumes would have been commanded by obedience; and when such presumption is not possible, to choose that which is most contrary to our inclinations. This is that "Vince te ipsum" (vanquish yourself) so often inculcated by St. Francis Xavier and St. Ignatius, who was accustomed to say that the soul profits far more from the friendship of a single hour of mortification than from many hours of actions not mortified.

168. IX. Always attend to the divine presence. St. Theresa says: All evil comes from the fact that we do not consider God to be present. He who truly loves never forgets the object of his love. To preserve the memory of this divine presence, it helps to have some special sign in practice, or to keep something within the room. Above all, it is necessary to foster this presence by frequently repeating acts of love for God during the day, and by asking for divine love.

E.C. (Example prayer): "My God, and all things. I love you with all my heart. I give myself entirely to you. Do with me what you will. I desire nothing but you, and your will. Give me your love, and I am sufficiently rich, etc."

It must be noted, however, that these acts must be performed without any force, and without desiring any sensible consolation; but with a certain sweetness and pure will to please God alone. St. Theresa asserted: "Let us not fear being abandoned after having offered to God, or after having raised our eyes in remembrance of Him."

169. X. Direct the intention of pleasing God in every daily action, whether spiritual or corporal, by saying: "Lord, I do this only to please

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you." A right intention is called the alchemy of the spiritual life, which turns all actions, even the most lowly, into gold.

170. XI. To perform spiritual exercises for eight or ten days each year, withdrawing oneself, as much as possible, from all conversation and from that occupation which brings distractions, so that one may be alone with God. Similarly, to dedicate some day each month.

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To dedicate himself to this end. He should devoutly celebrate the novenas of the Nativity of the Lord, of the Holy Spirit, of the seven feasts of Mary, of St. Joseph, of his guardian angel, and of his patron saint. In these novenas, he should be able to approach Holy Communion daily by praying for an hour, or at least half an hour more than usual. He should recite some other vocal prayers, but not many; for it will be far better to exercise a certain determined number of acts of love, or similar practices.

XII. He should have a special devotion to St. Joseph, his guardian angel, his patron saint, and especially to St. Michael, the universal patron of all the faithful; but above all, to the most blessed Virgin Mary, who is called by our Church the life and our hope; for it is morally impossible for a soul to make much progress in perfection without a particular and tender devotion to the most holy Mother of God.

CHAPTER X. On certain warnings more worthy of note to confessors and pastors: concerning the practice of mental prayer.

IF... Warnings to confessors.

172. Of those things which we have said above, some of the most important should be noted here, and which the confessor should bear in mind in the exercise of his office.

173. I. Above all, he should take care, on the one hand, to use the utmost charity in receiving sinners, and to encourage them to consider the divine mercy; on the other hand, he should not, for human respect, fail to admonish them firmly, and also to show them the unhappy state in which they find themselves, and to assign suitable means for freeing themselves from the evil habits they have already contracted; and especially, he should be unyielding in delaying absolution whenever it is necessary.

174. II. He should ask the uninstructed as often as possible whether they know the principal mysteries of the faith. See what we have said in n. 22.

175. III. He should not fail to ask such uninstructed persons, or others of negligent conscience, about those things in which they are most often involved; whenever they do not spontaneously confess them.

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476. IV. He must conduct himself with the utmost caution in interrogations concerning matters of a scandalous nature, especially when dealing

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with young girls and boys, lest they learn what they do not know. And if he himself experiences temptations in such matters, he should frequently raise his mind to God, turning to some sacred image; and before beginning to hear confessions, he should always renew the rectitude of his intentions.

477. V. He should question fathers and mothers of families not only in general terms regarding the education of their children, but also in particular, and especially inquire whether they correct their children as is fitting; whether they ensure that they learn Christian doctrine; whether they avoid associating with people of bad example, and especially, if they are girls, he must diligently caution them against associating with young men, and much more so with suspicious individuals, namely, married men, religious, and ecclesiastics.

478. VI. He should question penitents, of whom a just suspicion may arise that they have concealed certain sins out of shame (such as the uneducated, women, and children), whether they have any scruples about their past life, encouraging them to say everything. Through these interrogations, many souls are often freed from sacrilegious acts.

479. VII. Even if there is a large gathering of penitents, he must not hasten more than is necessary, so that, in hearing the confessions of many, he lacks either in the integrity of the confession, or in the proper disposition, or fails to offer them necessary counsel.

480. VIII. When someone confesses a grave sin, and especially if he has committed it repeatedly, it is not enough to simply inquire about the nature and number of the sins; but he should ask whether he has been accustomed to fall into it before; and with whom he committed the sin; and in what place? so that he may understand whether it is a habit, or an occasion that must be removed. In this, many confessors err, and from this, so much ruin results for so many souls; for by omitting such interrogations, the confessor cannot determine whether the penitent is a recidivist, and consequently, he cannot provide him with the appropriate means to eradicate the habit and the occasion. It should be noted what was said in chapters IV and V, in which we saw that a recidivist penitent cannot be absolved in any way, unless after experiencing amendment, or after exhibiting some extraordinary sign of his disposition.

[*Latin ed. p. 150*]

tionis. And when it concerns a proximate occasion, let him act boldly, without any regard for persons, in delaying absolution, until the penitent removes the occasion, whenever it actually exists, as we explained in n. 64. And if the occasion is necessary, at least until he escapes it as soon as possible, by using the means assigned to him. 181. He must be especially inflexible in denying absolution to those who are living with spouses, as well as to parents who permit it: nor should he believe them when they assert that there is no evil involved; for this is morally impossible, as experience

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teaches. 182. IX. He shall also deny absolution to those who wish to enter a sacred order, while they are still entangled in some vicious habit. Unless he sees that they have attained the positive goodness necessary for this grade, as stated in n. 79. X. Let them also be careful, and diligently careful, to dissuade a young person from a religious vocation for human reasons; which cannot be excused from mortal sin, as taught by St. Thomas. Quodlib. 3, art. 14. Oh, how many inexperienced confessors, without any scruple, draw young people away from the vocation to a more perfect state, guided by no other reason than to please their relatives, asserting that young sons are obligated to obey their parents! The Doctors commonly teach, along with St. Thomas, that in the choice of a state, each person enjoys his own freedom: and that obedience is to be given more to God who calls than to parents. On the contrary, let the confessor note that he himself cannot absolve certain others who, without a vocation, wish to enter the sacred orders. See Lib. 6, n. 805. 183. XI. In receiving the confessions of priests, let him conduct himself reverently; but let him also act boldly in making the necessary corrections, and in denying absolution, whenever it is necessary. And let him not fail to ask the priest, who is not very scrupulous, especially about these three things: 1. Whether he has omitted the celebration of Mass for a month, if they are Masses for the dead; and for two months, if they are for the living: for this is not excused from a grave sin (see Lib. 6, n. 517, Qu. II). 2. Whether he celebrated hastily; for if he spends less than a quarter of an hour in the celebration of Mass, even if it is a votive Mass of the B. Virgin, or for the Dead, he will not be excused from a grave fault (L. 6, n. 400), because in such a short time he will not be able to...

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3. He should conspicuously observe the ceremonies, or at least those which are suitably grave and necessary for the veneration of so great a Sacrifice. 3. He should ascertain whether the penitent has fulfilled the obligation of divine office, especially if he is a cleric. He should also encourage him, as far as he is able, to gain souls for God, by celebrating Mass with due preparation and with an act of thanksgiving, and by dedicating himself to mental prayer, without which it is very difficult to be a good priest. 184. XII. In matters of restitution, he should ordinarily not absolve the penitent unless, if possible, he has first restored the thing taken. Nevertheless, he should note that many are excused from restitution by reason of prescription, provided they act in good faith. And it should be noted that: 1. Movable property, when the rightful owner is present, is prescribed by a period of three years; immovable property, however, is prescribed by a period of ten years in the presence of the owner, and by twenty years in his absence. 2. It is probable that this prescription is valid in foro conscientiae, even in those places in which the law of prescription does not hold in foro externo, as in our kingdom, because of the difficulty of proving good

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faith. However, those prescriptions are to be excepted which are expressly prohibited by any municipal law, as is the case in our kingdom, where the prescription of an heir is disapproved whenever the testator has acted in bad faith. See other doctrines concerning prescription, which are related in Moral Theology (Book 3, nos. 304 to 347). 485. XIII. If the penitent has received some injury, for which the offender is being prosecuted in court, he should not, ordinarily speaking, absolve him unless he has first made a written remission. See the present Practice, no. 58. 186. XIV. When he foresees that a warning will not be helpful, and the penitent is acting in good faith, he should omit it, especially when it concerns the nullity of a marriage already contracted. However, the obligation to denounce confessors who are involved in scandalous matters should be excepted, because confessors are directly commanded to impose this obligation on all who are involved in such matters. See Practice, nos. 8, 9, and 12. 187. XV. He should take care that all elicit an act of contrition in confession, unless he is certain that the penitent has already made it properly: nor should he omit to provide them with motives for contrition, and for repentance, in the manner that we have indicated in no. 10. And he should especially note, if the penitent comes indisposed, that he must confess.

[*Latin ed. p. 152*]

188. XVI. He should, as much as possible, dispose the penitent for absolution. See n. 7, in fine.

188. XVI. He should not absolve those penitents who allege only venial sins, but habitual ones; unless he knows that they truly repent, and propose to amend at least some of them; or if they do not mention any grave sin from their past life, as we noted in n. 99. Oh, how many invalid confessions (which are, in themselves, sacrileges) occur through the negligence of confessors?

189. XVII. He should only enjoin those penances which he judges to be easily performed by the penitents, as we said in n. 11. But he should take care that they are medicinal, such as frequenting the sacraments, making visits (1), recommending themselves to God in the morning and evening, reading a spiritual book, joining a congregation, and the like.

190. XVIII. To devout persons who frequent the sacraments, he should not fail to suggest the practice of mental prayer, demanding an account from them about it, or at least asking whether they have practiced it. By employing this minimum diligence, every confessor can sanctify many souls. Nor should he be reluctant to grant frequent Communion, whenever he sees or prudently judges that the penitent will derive benefit from it.

191. XIX. To scrupulous persons, he should first of all suggest obedience, and he should always impress upon them that by obeying they will be secure; but by disobeying, they will expose themselves to the danger of damnation. He should always, and rigorously, demand obedience, always

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speaking boldly; for if he speaks with fear, he will confuse them even more than before. He should give them general rules for resolving their doubts, as it will be most useful to each one: e.g., to those who always doubt about past confessions, he should order them not to confess again, except those sins which they certainly know to have been mortal sins, and which they certainly know they have never confessed. And in this matter, the confessor must be most steadfast, never listening unless they obey; for if the confessor yields even once, the penitent will never be cured. Some confessors cause the greatest harm to these souls by listening to them. To others who are afraid that their actions are (1). Sc. Sanctissimi Sacramenti.

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191. Let him impose penances, and strive to overcome scruples, and allow the penitent to act freely whenever he is not certain that a sin has been committed.

192. XX. When choosing opinions, especially when it is a matter of protecting the penitent from the danger of a formal sin, the confessor should, as often as possible, use the more lenient opinions, as far as Christian prudence allows. However, if any opinion presents a greater danger of a formal sin, then he must absolutely advise the more rigorous opinion. See the statements in n. 65. I say "advise," because when an opinion is probable, and the penitent wishes to follow it, he cannot deny him absolution on the basis of a certain right that he has acquired through the confession of his sins, as in n. 115.

193. XXI. In hearing the confessions of women, and in dealing with them, he should use greater severity, which is appropriate according to prudence; and therefore, he should refuse small gifts, avoid familiarity, and all other things that could be a cause of attachment. Because of some negligence in this matter, how many confessors have lost both their own souls and the souls of their penitents!

194. XXII. Let him be humble, and not boast of his doctrine; therefore, let him frequently pray to God for the merits of Jesus Christ, and especially in doubtful cases, that He may grant him light to resolve the doubts properly: "I called, and a spirit of wisdom came to me," Wisdom 7:7. And therefore, the confessor who does not pray will find it difficult to proceed correctly; and in more complex doubts, or of greater consequence, he should not fail to consult other learned men, and of greater experience. He should especially conduct himself in this way when directing the soul of someone elevated, and who has been given some supernatural graces by God, when he himself is not very experienced in this matter. Some, who have barely tasted the mysteries of the spiritual life, are ashamed to seek advice from others: they do not act in a truly humble manner; these not only seek advice, but they should seek it from many, whenever it is necessary; but they also feel no difficulty in urging such souls to turn to more experienced masters

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for guidance, or at least to submit to their judgment. The confessor should never hear such souls on holy days, but should give that time to those who are more in need, especially the poor from the countryside.

[*Latin ed. p. 154*]

§. II. Admonitions to Parish Priests. 193. It is fitting here briefly to note certain particular obligations of parish priests concerning the care of their flock. 196. I. The parish priest is bound to instruct them concerning the mysteries of the faith, and other matters necessary for salvation, such as: 1. The four principal mysteries: namely, that there is one God, who is almighty, most wise, the Creator and Lord of all, merciful, and more amiable than any good thing; and especially that He is the just rewarder of both the good and the wicked; moreover, the mystery of the Most Holy Trinity, the Incarnation, and the death of Jesus Christ. 2. The sacraments necessary for salvation, such as Baptism, the Eucharist, Penance, and others, at least when they are to be received. 3. The articles of the Creed, among which are especially the perpetual virginity of the Most Blessed Mary; the session of Jesus Christ at the right hand of the Father, namely, that He sits in heaven with the Father in equal glory; the resurrection of the bodies at the final judgment, accomplished by the Lord Christ; the unity of the Church of Rome, in which alone salvation of souls is found; and finally, the eternity of paradise and hell. All of these things each and every faithful person is bound to know, under a grave penalty. 4. The precepts of the Decalogue, and of the Church. 5. The Our Father, and the Hail Mary, and the acts of faith, hope, love, and contrition. Just as he sins gravely who neglects to know these things (which must be known not only in name, but also in understanding), so too does the parish priest sin gravely, as the Doctors commonly say, if, either by himself, or through another suitable person (whenever he is legitimately hindered), he omits to teach at least in substance to his parishioners, both boys and adults, who are ignorant of these things, as is stated in the Council of Trent (Session 5, chapter 2). Therefore, whenever he sees fathers or lords not taking care to send their sons or servants to instruction, he is bound to take suitable measures with the Bishop, who, as is stated in Trent, Session 25, chapter 3, can compel parents even through ecclesiastical censures. Good parish priests keep a record of the children so that they may know who are absent. Indeed, Croix states in book 2, question 149, and book 3, page 1, number 767, that if there are some rude people who cannot come to the Church because they must guard their homes or flocks; if these people are in grave spiritual necessity, the parish priest must...

[*Latin ed. p. 155*]

The author states that, whenever possible, the priest should privately instruct those who are preparing for the sacraments, even if it causes him

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some inconvenience. At the very least, when this is difficult due to the large number of such individuals, he should ensure that they are examined and instructed during the time of the Paschal precept, or when they come to request the sacraments of Confirmation or Marriage. It is also worthwhile for the pastor to inquire of the teachers, both male and female, to ensure that they properly instruct the boys and girls in the doctrines and the means of living a virtuous life in the fear of God.

197. II. The pastor is obligated to administer the sacraments whenever the parishioners justly request them. And if he appoints an economist, he must carefully examine the economist's life and knowledge; otherwise, he will have to answer to God for all the inconveniences that may arise later. Furthermore, he is obligated to assist the dying, unless another suitable person is present. However, he is especially obligated to provide assistance to those who are dying in a state of sin, because these individuals are in great need of assistance. And concerning the Sacrament of Extreme Unction, he must pay attention to what is stated in the Roman Catechism (part 2, chapter 6, paragraph 9): "Those who neglect to anoint the sick at the proper time, when they are already deprived of all hope of salvation, and are beginning to lose their senses, sin most gravely." He is also obligated to inform himself whether his subjects have fulfilled the Paschal precept; *Barb. de Off. Par. c. 2. n. 7* and *Segneri Par. Instr. c. 23*. And he must be very careful never to entrust the distribution of Holy Communion to anyone.

198. III. The pastor must also be careful not to grant the clerical habit to boys or adolescents who do not demonstrate a suitable disposition for the ecclesiastical life. He must then diligently instruct those of his clergy who are already wearing the habit; otherwise, if they are left without instruction and with corrupted morals, they will, either legitimately or illegitimately, advance to the orders, to the great scandal and detriment of his city. I omit here to speak of the great account that pastors will have to render to God, who present candidates for ordination whom they know to be unworthy, or who present them before they have provided a thorough and diligent investigation of the suitability of those to be ordained.

199. IV. The pastor is obligated to inform himself about those who live in mortal sin, so that he may correct them; especially concerning the animosities and scandals that exist between betrothed couples, so that, as far as possible, he may help them.

[*Latin ed. p. 156*]

It must bring about a remedy. St. Thomas says (2-2, question 35, article 2, ad 4): "He who has spiritual care of another, ought to seek to correct him from sin." And when a scandal arises concerning a person of power (and especially a priest), to whom he himself cannot bring a remedy, he ought at least to inform the Bishop about it, so that an appropriate remedy may

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be provided; and for whatever reason, or out of fear, he cannot omit this. A good shepherd is bound to give his life for his sheep.

200. V. He must take care that marriages are not celebrated long before the actual marriage takes place: for once betrothal is complete, during the entire time that precedes the wedding, both the betrothed and their parents will be in mortal sin.

201. VI. When in any city notable inconveniences are observed, for which the parish priest cannot provide a remedy, he is bound to make every effort to obtain a mission. And it will always be advisable to invite even some outside priests for the good of the souls of the faithful; and even more so if a preacher for Lent does not usually come to his town to hear confessions. But the parish priest who rejects missions gives great cause for suspicion regarding his integrity.

202. VII. Not only must the parish priest remove evil, but also promote good, as do all good shepherds, who never fail to exhort to the frequent use of the sacraments and the congregations, to the visitation of the Most Holy Sacrament, and to the Divine Mother; to novenas, to the association of the Venerable [Scapular], when it is given as a Viaticum, and above all, to mental prayer, about which in § III, where, explaining the practice and an easy method, he will be able to instruct others.

203. VIII. The parish priest is bound to preach on Sundays. (1) A proposition from the Synod of Pistoia stated: "The irregular clamor of new institutions, which are called exercises or missions... may never, or at least very rarely, achieve complete conversion; and the external acts of commotion that appeared were nothing other than transient flashes of natural disturbance," which, in the Constitution *Auctor Fidei* by Pope Pius VI, August 28, 1794, was condemned as rash, ill-sounding, pernicious, and impiously and insalubriously injurious to the Church, which is frequently attended and founded on the Word of God.

[*Latin ed. p. 157*]

namely, on Sundays and the most important feasts; from which Doctors (see book 4, nos. 269 and 560) assert that a parish priest gravely sins who, for a continuous month, or for three discontinuous months, omits preaching, except for two months in which the Council of Trent permits parish priests, with a just cause approved by the Bishop, to be lawfully absent. And it must be noted that the Council of Trent (session 5, canon 2, concerning reforms) decreed that parish priests should feed their flock with the divine word, having sermons easy to understand for their capacity, so that the people may grasp what is preached to them; for it is known that, just as faith is spread by preaching, so it is preserved by the same (faith through hearing), therefore, such sermons will be of little use to the people, which are not similar to the manner of preaching used by Christ and the Apostles, who preached not in persuasive words of human wis-

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dom, but in the demonstration of the Spirit and of power, as the Apostle says. Therefore, rightly and justly, the Very Reverend Master Avila called those who give sermons out of a desire for empty glory, not ministers of Jesus Christ, but betrayers. And Father Gaspar de Sancto said that there are no more implacable enemies of the Church of God than those who, by preaching in this way, are the cause of many souls perishing, who, if they were preached to according to the example of the Apostles, would certainly be saved. Empty words, sonorous phrases, useless descriptions, said Saint Francis de Sales, are the plague of preaching, whose only purpose should be to move the will of the listeners towards good, and not to feed the intellect uselessly. Experience has already taught us that souls do not turn to good through such sermons, which are adorned with so many figures, and tropes, and with a flowery art of speaking, because God does not lend his aid to vanity. And this should be said to all preachers, but especially to those who have care for souls, to whom the Council of Trent, in the aforementioned passage, prescribes: "Archpriests, vicars, and all those who have charge of parishes... those who have care for souls, who obtain churches by any means, whether by themselves or by suitable others, if they are legitimately hindered, should at least on Sundays and on solemn feasts feed the people entrusted to them with salutary words, according to their capacity." Note those words, "according to their capacity"; therefore, those pastors certainly contradict the Council who use a lofty style that exceeds the capacity of the people listening. 204. It also helps to note that...

[*Latin ed. p. 158*]

It is worthy of consideration that the parish priest, when delivering sermons, should impress upon the people entrusted to him. And 1. it is not sufficient for amendment merely to propose avoiding sins, but also the occasions of sin must be removed. And speaking of betrothals, those who frequent the homes of the betrothed, let him say that both they themselves, and their parents who permit this, cannot be absolved unless they remove these occasions. 203. He should insist 2. on those who frequent taverns, making it clear to them the many sins that are commonly committed there, namely blasphemies, quarrels, scandals, obscenities, discord with family members, defrauding the family of food, etc. 206. He should often rebuke 3. and denounce the vice of speaking dishonestly (which is widespread, especially in Kampen, and in workshops): and all the more so if these dishonorable words are uttered in the presence of children, young women, or persons of the opposite sex. Because of these shameful words, how many boys become perverted! And on this point, let him warn parents, masters, and workshop owners, to be vigilant in correcting and punishing their sons or servants who utter these words, especially during the harvest and grape-picking seasons. 207. He should insist 4. on demonstrating the enormity of sacrilege, which is committed by those who receive absolution and commu-

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nion, while concealing some sin out of shame. And to make them conceive horror at such a crime, let him often relate some terrifying example from those who, out of shame for some sin, have sacrilegiously confessed; and for this, he can especially use that book by Father Vega, entitled "Casi della Confessione," etc. 208. He should often point out 3. the necessity of sorrow and a firm purpose for the sacraments, even for venial sins, exhorting that no one should approach absolution unless they have at least some true sorrow for some venial sin of which they accuse themselves; or unless they expose some certain sin of their past life, which they have already confessed, and for which they truly repent, so that the confession may be valid. And since the uneducated people understand little how sorrow should be, let him often show that those who are truly repentant, in order to be validly absolved (whether their sorrow is contrition or attrition), must feel such aversion to their sin that they hate it and abhor it more than all other evils. 209. He should encourage 6. that in moments of anger, instead of blasphemies or imprecations, they should become accustomed to saying: "Maledictum..."

[*Latin ed. p. 159*]

Let my sin be, let the demon be cursed; or say: Mary, Holy Mary, help me. Lord, grant me patience. 210. Instruct [the faithful] to avoid the superstitions, or vain observances, which are in use among many for the purpose of healing sickness, or discovering thieves. 241. Admonish [parents] to correct their children, especially when they are young, when they blaspheme, or steal, etc. Also, to be vigilant in observing and inquiring about the company they keep; and to forbid them from associating with bad companions, and with persons of the opposite sex. Also, to not allow their children to sleep in their bed; for either they are too young, and there is fear that they will be suffocated; or they are older, as when they have already passed the age of six years, and there is fear that some scandal may be given to them. And much less should boys and girls be allowed to sleep together. 212. Remind [parishioners] constantly to overcome internal temptations, (especially against chastity), by invoking the most holy names of Jesus and Mary; for this is the greatest remedy against temptations. 243. Remind [them] constantly also, that if anyone falls into a mortal sin, he should immediately confess, with the intention of confessing soon, in order to regain the lost grace; and thus he will frustrate the devil's deceit, for it is the same to God to forgive one sin, as two sins; for it can happen that God, after one sin, will wait for repentance, but after a second [sin], He will abandon them. 214. Teach [the faithful] the actions in which each person should exercise themselves in the morning, and in the evening; and so that they may have these in mind, we briefly describe them here. — Actions to be performed in the morning. I. Make the sign of the cross, and then say: I adore you, Lord God, and I give you thanks for all the

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benefits conferred upon me, and especially because you deigned to watch over me this night. II. I love you with all my heart, and whatever I may have to suffer today, and whatever I may do, I offer it to you in union with the actions, and the suffering, of Jesus, and of Mary; with the intention of gaining all the indulgences that I can, for the support of the souls in Purgatory. III. I propose to avoid every sin today, and every occasion of sin; and I beseech you, for the love of Jesus Christ, to grant me perseverance. I propose, especially in adverse circumstances, to obey your will.

[*Latin ed. p. 160*]

Saying always: "Lord, may Thy will be done. Jesus, my Lord, do not remove Thy hand from me today. Most holy Mary, protect me; Angel, guardian of my soul, and you, holy Advocates, be my help. Then recite the Our Father, the Hail Mary, and the Creed, and three times the Hail Mary for the purity of the most holy Virgin Mary. — When beginning to work, say: "Lord Jesus, in union with the most perfect works of Thy divine will, I commend this task to Thee, to be governed according to Thy will." — Before eating: "Bless, O Lord, this food, and also me, that I may commit no fault in eating, and that all this may be for Thy glory." — After eating: "I give Thee thanks for the good things Thou hast bestowed upon me, Thy enemy." — At the sound of the clock: "Jesus, my Lord, I love Thee; do not permit me to offend Thee." — If some temptation arises, repeat "Jesus" and "Mary." — If a fault has been committed in some sin: "My God, I repent of having offended Thee; I do not wish to do this again." — And if the sin has been grave, let him confess it immediately. In the evening, as he prepares for bed, let him give thanks for the good things bestowed upon him. Let him examine his conscience, and afterward elicit an act of sorrow. Then let him elicit Christian acts, of which an example is given below in n. 286. Let all mothers encourage their children to practice these acts daily. Furthermore, let parents be urged to take care that their children frequently receive the sacraments; for if they do not frequently approach them, they easily lose the grace of God; and parents ought to foresee this harm. Moreover, let them be reminded that they sin if, without a just reason, they prevent their children from entering into marriage, or if they force them into marriage against their will. (See book 6, n. 849, v. Conveniunt, ad VI). Just as the children sin who enter into marriage without the just consent of their parents. (book 6, dict. n. 849). 215. Item 12. Furthermore, since it has been shown above that the parish priest is not only bound to prevent evil, but also to promote good, let him encourage the people to visit the most holy Sacrament and the Blessed Virgin Mary daily. This visit can be made in the evening by the priest himself, together with the people entrusted to him, designating a time more convenient for the people, as has been introduced with great benefit in many regions. And let him encourage those for whom it is not convenient to go to the

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church to make this visit from their own homes. Above all, let him urge people to attend the congregation. And let all frequently communicate.

[*Latin ed. p. 161*]

With due preparation of the soul, and with the actions of thanksgiving that should follow, he will teach them the practical manner in which these acts should be performed, through the exercise of the acts of faith, charity, offering, and petition. 216. He should frequently remind his flock of their devotion to the Virgin Mary, declaring how great is the power and mercy of this divine Mother in assisting her devoted ones. Therefore, he should suggest that, in common with the family, they recite five decades of the Rosary daily, that they fast on Saturdays, and that they celebrate Novenas on the feasts of our Lady, which he himself will announce from the altar, whenever they occur. It will be highly commendable if, on Saturdays, he were to give a short talk about the Blessed Virgin, always relating some example, and once a year to celebrate a solemn Novena of our Lady with a sermon and exposition of the Blessed Sacrament; and for this purpose, he can use that book which I have published for this very purpose, entitled "Glorie di Maria," where he will find gathered together materials and examples. Happy is that parish priest who keeps his parishioners fervent in devotion to the most blessed Virgin; for with the help of the same Virgin, they will lead a virtuous life, and he himself, at the end of his life, will have the same faithful and powerful advocate. Finally, he should above all suggest that they become accustomed to commending themselves to God more often, asking Him for holy perseverance through the merits of Jesus Christ and Mary. He should also frequently proclaim that the gift of perseverance is not granted except to those who ask for it; "Ask, and you shall receive." And he should make known that promise of Jesus Christ, that whatever we ask the Father in His name, He will give it to us: "And in that day you shall not ask me any thing. Amen, amen, I say to you: if you ask the Father any thing in my name, he will give it you." (John 16:23). He should also encourage the practice of mental prayer, and he should take care that it be practiced in the Church with the people daily, or at least on feast days, teaching them also the manner in which they can practice it at home; therefore, the following instruction is added here, in which the necessity and practical method of mental prayer are explained. § III. A Brief Practice of Mental Prayer. 217. There is no doubt that, due to a lack of consideration of eternal truths, the world is filled with sin, and hell.

[*Latin ed. p. 162*]

The beasts are filled with their prey; the whole earth is desolate, because there is none that pitieth it. Jeremias 12:11. And contrariwise, the Holy Spirit says that he who frequently remembers death, judgment, and eternity, will be freed from sins: Remember thy end, and thou shalt not sin.

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Ecclesiasticus 7:40. A certain author says that if one were to ask the damned: Why are you in hell? the majority would answer: We are here because we did not think of hell. St. Vincent de Paul said that if a sinner heard about indulgences or spiritual exercises and did not convert, it would be a miracle. Already in mental prayer, God speaks: I will lead her, and I will speak to her heart. Hosea 2:14. God certainly speaks better to every preacher. All the Saints became saints through mental prayer. And experience teaches us that those who devote themselves to mental prayer find it difficult to fall into mortal sins, and if, by chance, they sometimes fall into them, by persevering in prayer, they quickly recover and return to God. Mental prayer and sin cannot coexist. A certain servant of God said that many recite the Rosary, the Office of the Virgin Mary, fast, and yet continue to live in sin; but it is impossible for one who does not cease prayer to lead a life offensive to God; for either he will neglect prayer, or he will cease from sin. But if he does not neglect prayer, he will not only abandon sins, but he will remove his love from creatures and turn it to God. In my meditation, my fire shall burn. Psalm 58:4. Prayer is the furnace in which souls are kindled with divine love. 218. Speaking of the place where prayer should be offered, the Church is most fitting; but for those who cannot go there or dwell there, every place will be suitable for prayer, whether it be houses or villas. Even the journey and labor do not hinder prayer, since even then the mind can be raised to God. How many peasants, when they have no time or place left for working and traveling, offer their prayers? For they who seek God in every place and time will find Him. 219. As for time, the morning is more suitable. Those things that are done in the day will not have a good outcome, if each one neglects to offer his prayer in the morning. Prayer properly requires two times in the day for the priest: morning and evening; but if there is no opportunity in the evening, let it at least be done in the morning. St. Vincent said.

[*Latin ed. p. 163*]

Charles Carafa, the founder of this institute for the service of the poor, considered one act of love, performed with devotion at the beginning of the day in prayer, to be sufficient to maintain the soul in his service throughout the entire day. As for the time to be devoted to prayer, the parish priest or confessor should use his own judgment. It is certain that, to reach the sublime degree of perfection, the time of the middle hour is not sufficient. However, this time will be sufficient for beginners; but those who are more diligent should be urged not to omit prayer when the time of desolation arrives. Let what was said in number 425 be observed. But let us proceed to the practical method of prayer, which it is proper to teach. Prayer consists of three parts: preparation, meditation, and conclusion. In preparation, there are three acts in which one should exercise oneself: namely, attention to the presence of God, humility, and supplication for divine light. Say: 1.

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"My God, I believe that you are present to me, and, plunged in the abyss of my nothingness, I adore your majesty." 2. "Lord, because of my sins, I should now be suffering in hell; I repent of having offended you; through your mercy, have pity on me." 3. "Eternal Father, through Jesus and Mary, grant me your light in this prayer, so that I may receive fruit from it." Then, say once the Angelic Salutation to the Blessed Virgin Mary, so that she may obtain this light for us, and once the Gloria Patri, to Saint Joseph, the guardian angel, and the patron saint. These acts should be performed with attention of mind, but briefly, and one should then proceed immediately to meditation. 220. Regarding meditation, it is helpful for those who know how to read to use a book, stopping where they feel their mind is moved. Saint Francis de Sales says that in this matter we should imitate the bees, which remain as long as possible on one flower, until they have extracted all the honey, and then go to another. But those who do not know how to read should meditate on the latest benefits of God, and above all, on the life and passion of Jesus Christ: "This," says Saint Francis de Sales, "should be our ordinary meditation." Oh, what an excellent book is the passion of Christ for devout souls! There, one perceives the malice of sin and the love of God for man better than in any other book. Once, a certain image of the Redeemer spoke to the Venerable Father Bernard of Corlione, and asked him if he wished to learn to read? And the Crucifix replied: "What does it matter to you to read? What do you need with books? I am your book; I am enough for you."

[*Latin ed. p. 164*]

221. It must be observed that the progress of mental prayer does not consist solely in meditation, nor so much in contemplation, as in the elicitation of affections, in supplication, and in deliberation concerning actions; and these are the three fruits of meditation, as indicated above in number 125. Therefore, after one has meditated upon some eternal truth, and after God has spoken to his heart, it is necessary that he, in turn, speak to God from his heart, eliciting affections, such as acts of faith, or acts of thanksgiving, adoration, praise, humility, and above all, love and contrition, which is also an act of love. Love is that golden chain which binds the soul to God. Every act of love is a treasure, by which we are certainly made certain of God's friendship: "For she is an infinite treasure to men." Wis 7:14. "I love them that love me." Prov. 8:17. "He that loves me shall be loved by my Father." John 14:21. "Charity covers a multitude of sins." 1 Peter 4:8. It should be noted what is said in the Moral Work concerning this matter, book 6, number 442. The Venerable Sister Mary Crucified saw a great flame, into which, when certain straws were thrown, they were immediately seen to be consumed: and by this vision, it was shown to her that through one act of love, all the faults committed are removed and consumed in the soul. Furthermore, it is taught by St. Thomas, that every act of love merits one

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degree of eternal glory. Every act of charity merits eternal life. And the acts of charity are to say: "My God, I esteem you above all things. I love you with all my heart. I desire that you be loved by all." Or to surrender oneself entirely to the divine will, saying: "Lord, do what you will, for I desire to know what pleases you to be done concerning me, for I am ready to do all things." Or to offer oneself to God, reserving nothing for oneself, saying: "Behold me, and all that belongs to me, and dispose of me according to your will." And these acts of oblation are acts of love, which are very pleasing to God; therefore, St. Theresa offered herself to God fifty times each day. But among other things, it will be more pleasing to say: "Rejoice, my God, that you are, that you are the supreme good, needing nothing." But when the soul recognizes that it has been elevated by supernatural, or infused, recollection (as explained in number 153), then it should not strive to perform other acts, except those to which it feels itself gently drawn by God; but rather, the soul should then love.

[*Latin ed. p. 165*]

It is necessary to diligently attend to that which God works within us. Otherwise, an obstacle might be placed before the divine operation. Furthermore, it should be noted, as Saint Francis de Sales observes, that if the Spirit of the Lord ever moves our mind to a certain good affection before consideration, then, after consideration, place should be given to those affections, for consideration serves to incite those affections; therefore, once the goal is attained, the means should be abandoned.

222. Moreover, it is most helpful to repeat petitions in prayer, with humility and confidence, exposing to God His own light; forgiveness of sins, perseverance, a good death, paradise, and above all, the gift of His sacred love. Saint Francis de Sales urged that, among other graces to be requested, the grace of a more fervent love of God should be sought, because (he said) once love is obtained, all other graces are obtained. Therefore, it will be sufficient for the soul, if, because of the desolation in which it finds itself, it can do nothing else, I say, it will be sufficient for it to repeat this petition of David: "O God, turn thy attention to my help; O Lord, help me, make haste to assist me." The Venerable Father Paul Segneri stated that he had learned through experience that no other exercise is more useful to souls in meditation than to repeatedly ask, in the name or through the merits of Jesus Christ, who made to us that great and delightful promise, as stated above: "And in that day you shall not ask me any thing. Amen, amen, I say to you: if you ask the Father any thing in my name, he will give it you."

225. Furthermore, it is fitting, in prayer, to deliberate at least about something at its conclusion, not only in general, to avoid all deliberate fault, even a slight one, and to surrender oneself entirely to God; but also in particular, to more carefully avoid some defect into which one frequently falls, or to more diligently attend to some virtue concerning which one has

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more frequent opportunities to exercise oneself, such as enduring some annoyance, obeying a superior more diligently, or obeying some rule, and to apply greater effort to restrain one's desires in such and such matters; and one should not depart from prayer unless something in particular has been deliberated upon.

224. Finally, the conclusion of prayer is concluded with three actions: 1. Thanks should be given to God for all the illuminations that have been received in meditation. 2. One should propose...

[*Latin ed. p. 166*]

3. Let us pray to the eternal Father, that through Jesus and Mary, He may grant His help to faithfully fulfill what has been promised. And at the end of prayer, let the one praying commend to God the souls in Purgatory, the prelates of the Church, sinners, and all those connected to him, friends, benefactors, by reciting once the Our Father and the Hail Mary, which are the most useful of all prayers, which we have learned from Christ and the Church.

225. However, before leaving prayer, it is necessary (as St. Francis de Sales says) to gather bunches of flowers, so that the whole day may be fragrant with them; that is, to choose, above all others, one or two things in which the soul felt itself most moved, so that it may remember them throughout the day.

2. It is necessary to strive to immediately put into action the deliberations made, whether in matters of small or great importance, which occur to us, for example, to overcome with gentleness the annoyances that are inflicted upon us by someone, or to mortify oneself in sight, hearing, or speech. And it is especially important to preserve, with silence as much as possible, those pious movements of the soul, those affections which God has communicated to him in prayer, otherwise, if he immediately turns to external actions and to useless conversations, that fervor of devotion conceived in prayer will cool, and become ineffective.

226. Finally, the director should diligently remind his penitent not to interrupt prayer, nor to take any time away from it, especially in times of aridity, and never to be discouraged, even if he has known for a very long time that the soul is in a state of aridity, and devoid of all fervor of devotion. "How many courtiers," St. Francis de Sales said, "go to their honored prince, and are content if they are merely looked at by him? We go to prayer to offer obedience to God, and to comply with His will; if He wishes to speak to us, and to favor us with His consolations, we shall repay Him for such grace; but if not, it will be sufficient for us to be in His divine presence with a calm spirit, while adoring Him and presenting our needs to Him; and if the Lord does not speak with us at that time, He will certainly accept our attention

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and our fidelity, and will hear our petitions with confidence in Him."

[*Latin ed. p. 167*]

CHAPTER XI. AND THE LAST. 227. There is no work more pleasing to God, nor more conducive to the salvation of souls, than to assist those placed in the extreme danger of death, so that they may die piously; for at the hour of death (from which the eternal life of each person depends), the powers of hell are most powerful, while the infirm are most weak. To demonstrate how pleasing He finds the assistance given to the dying, God often showed to St. Philip Neri angels providing words to religious ministers attending to the sick. 228. This is not only the duty of pastors, to whom the care of souls belongs by office, but also of all priests. However, the Roman Ritual speaks especially of pastors, stating that the principal part of their duty is to care for the sick; therefore, it desires that they, as soon as they learn that one of their parishioners is sick, should not wait for the sick person to summon the pastor, but that the pastor himself should proactively visit the sick person; and this not only once, but more frequently, if the pastor notices that the sick person is also suffering spiritually. If, however, he is legitimately hindered, he should at least provide for this by means of another priest, provided that this priest is pious and prudent; for some priests, when performing this duty, are more harmful than helpful, both to the sick person and to the sick person's family, whose well-being the priest assisting should also consider. Furthermore, the Ritual warns that if a priest were to die suddenly, the pastor should provide for this, at least through a pious layperson, endowed with Christian charity, who will offer holy words to the sick person. § I. Admonitions to the priest assisting. 229. I. The priest should discreetly inquire of the physician whether the illness is mortal. I say discreetly, because it is a detestable practice of some physicians to deceive the sick, so as not to distress them and their relatives; almost as if to tell a sick person that they must confess (which, when the danger is known, they are obligated to do) is the same as announcing death. 250. II. From relatives, friends, and even from the sick person himself, 14.

[*Latin ed. p. 168*]

He should inquire into the patient's nature, disposition, and defects; also, whether he has indulged in any passions, and especially if he is obligated to make restitution for any loss of goods or reputation; if he harbors any hatred or improper friendships, so that he may offer suitable remedies to all. He should take care not to mention to the sick person those he hates or those he loves improperly, unless he is compelled to do so by necessity. After having provided for everything necessary for the patient's remission, he should not ask him who has harmed him, or in what way, nor should he inquire about the cause of his suffering; and if the sick person speaks of these things, he should take care to divert the conversation to another

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topic. And likewise, if necessity does not demand it, he should not speak of disputes, children, property, or other matters that are irrelevant.

231. III. After, therefore, having recognized that the illness is dangerous, he should first not speak to the sick person about confession, but should gently inquire about his health, his pains, and how he is feeling. He should encourage him to conform his will to the will of God, and to join his sufferings with those of Christ on the cross, and to patiently endure them as satisfaction for his sins. And thus, gradually and with prudence, he should lead him, by questioning him about the time since his last confession, to confess. He should remind him to place all his hope in God, who is able, if He wills, to restore him to his former health. At the same time, he should gradually make the patient aware of the danger of his illness. He should especially warn him not to place all his faith in doctors and relatives, who may perhaps conceal the severity of the illness from him, in order to avoid afflicting him with worry. He should say that it is wise to foresee the future. He should encourage him to receive the sacrament of confession while his mind is still lucid, which will also be beneficial for his physical health (if it is expedient for his soul). The Bishop of Beauvais recounts the story of a dying man who, immediately after confessing his sins, rose from his bed unharmed. Similarly, Cantipratensis narrates that a certain knight, after many medicines had failed to help him, was immediately cured by the power of confession.

232. However, if the patient requests a delay, and there is no imminent danger of death, lethargy, or delirium, he may grant it to him. He should, however, ensure that the patient sets a specific time for confession, such as the evening or the next day. But if there is imminent danger, he should remind him, as did St. Augustine, that God does not promise to wait for sinners, but only to spare them if they repent: "Tomorrow is not today."

[*Latin ed. p. 169*]

He may promise, perhaps he will give, perhaps he will not give. But if the sick person is still unable, even after these admonitions, to go to confession, the priest should never abandon him, but should sometimes use arguments of fear, and sometimes arguments of hope, to rouse him; and he should see to it that both private and public prayers are offered to God for the salvation of this poor soul.

235. IV. If the illness worsens, the priest should encourage the sick person to make suitable arrangements for his domestic affairs; for this is beneficial for the peace of the family, and all the more so if it alleviates his conscience. However, the priest must be very careful not to be drawn into any suspicion of seeking personal gain. If the sick person has needy brothers or sisters, he should remind him that he is bound by a serious obligation to leave them his property, at least what is sufficient to meet their needs. However, this serious obligation does not seem to apply to more distant

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relatives. Observe what is said in the work, book 4, number 946. If, however, the sick person wishes to leave something for his soul, the priest should advise him not to impose this burden on his heirs; for experience teaches that pious bequests are rarely fulfilled, but rather he should encourage him to leave a sum of money, or some other pious work, for the Sacraments, or for some other charitable purpose. The priest should be careful not to advise the sick person to do anything that could be prejudicial to others, since it does not befit the ministers of Christ to stir up hatred against themselves.

234. V. When dealing with the uneducated, while suggesting Christian actions to them, the priest should always speak in Italian, or even in the vernacular. With the educated, he should use more refined language, and sometimes even short passages taken from Scripture in Latin. However, the Ritual warns that the priest should not talk too much, or offer too many pronouncements, as some are wont to do, thereby obscuring the sick person's understanding rather than helping him. Father Recupitus of the Society of Jesus recounts that, when near death, he did not understand what was being said to him, but only a certain annoying murmur; so that, in order not to further distress him, he was forced to ask that they pause for a while in their speech.

235. VI. Besides the small images of the Crucifix of our Lord and the Blessed Virgin, which he has taken care to place near the sick person, if possible, he should also arrange for larger images of the Mother of God and the Redeemer to be placed in his sight, so that the sick person, wherever he turns, may see them and commend himself to them.

236. VII. It is also important that care be taken to ensure that the area around the sick person's room is...

[*Latin ed. p. 170*]

Culpable objects should be removed, such as weapons, images of questionable decency, and especially persons who might in some way provide an occasion for sin; and these should be banished not only from the bedroom, but from the entire house. And when the sick person appears to be near death, the priest should drive everyone away from his bedroom, except for one or two who are needed to attend to him; furthermore, he should strictly forbid anyone else to enter the sick person's room, lest they provide a cause for some passion.

§ II. Remedies against temptations.

257. The principal remedies against temptations are to frequently invoke the names of Jesus and Mary, and to protect oneself with the sign of the Cross. However, for certain special demonic attacks, it is advisable to note the following.

258. And I. Against temptations of the faith. Those who have led a lost life, and who are excessively attached to their own will and judgment,

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are particularly troubled by this terrible temptation, especially if they are learned men. It is important to warn them that if a demon suggests any doubt or subtlety concerning the faith, they should immediately respond with a steadfast mind, in general terms only: "I believe what the Holy Church believes, which believes and confesses the truth." Furthermore, the priest should encourage the sick person to give the greatest thanks to God for having deigned to receive him into the bosom of the Church from his earliest days; and therefore, to declare his intention to persevere in that faith until the very end of his life. However, the most effective and useful way to repel such temptations will be to divert the mind to other things, and to evoke other various acts, namely contrition, hope, charity towards God, and the like. Concerning a certain Doctor, Bellarmine recounts that when he wished to discuss a certain article of faith with a demon while near death, he was deceived and died.

259. If the temptation, however, continues to torment, let the sick person be shown that the arguments of our faith (which are, in themselves, holy and inviolable, and have been spread throughout the world by humble fishermen, and have been confirmed by so many miracles, and by the blood of so many thousands of martyrs who gave their lives for it) are clearer and more manifest, and clearly demonstrate that it is true, even though the things that it teaches we now see through a mirror, in an enigma; for if the mysteries which it revealed to us were evident, where would be

[*Latin ed. p. 171*]

meritum fidei? which is called faith because the things it teaches are obscure and not apparent. Hence it is said: "Blessed are they that have not seen, and have believed." Jesus saith to him. John 20:29. 240. II. Against the temptation of despair. This is the principal temptation with which hell vehemently attacks the sick; therefore, the priest should be wary of speaking to them about divine justice, about the punishments of the damned, and about their committed sins, but rather should suggest to them arguments of trust in the mercy of God, in the passion of the Savior, in divine promises, and in the intercession of the Mother of God. 244. Therefore, the first motive of our hope is divine mercy, since God is called, and truly is, the Father of mercies (2 Corinthians 1:3). He Himself comes to those who do not seek Him: "They have sought me that before asked not for me, they have found me that sought me not. I said." Isaiah 65:1. God desires to save us more than we desire salvation; therefore, He rightly complains of those whom, even while fleeing, He desires to embrace, as D. Bernard says: "He seeks to embrace those of whom He complains that they are deserting Him." He is entirely inclined to forgive: "Let the wicked forsake his way, and the unjust man his thoughts, and let him return to the Lord, and he will have mercy on him, and to our God." Isaiah 55:7. He protests that He does not will the death of the sinner: "I have no delight in the death of him that

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dieth, but that he should return and live." Ezekiel 33:11. He says that when the sinner detests his sins, He forgets their memory: "If the wicked man turn away from his wickedness, and do that which is lawful and right..., I will not remember the iniquities which he hath committed." Ezekiel 18:21. After these divine testimonies, who would ever dare to distrust the mercy of God? A single act of penance is sufficient to atone for countless sins. The publican, barely groaning, said: "Have mercy on me, a sinner," and he was justified. The prodigal son, as soon as he returned to his father's feet, was embraced by his father. And David said to Nathan, "I have sinned," and Nathan replied to him: "The Lord also hath forgiven thy sin." 2 Samuel 12:13. 242. The second motive is the passion of Jesus Christ, who declared that He came to earth for no other purpose than the salvation of sinners: "For I came not to call the righteous, but sinners to repentance." Matthew 9:13. He also testifies that He will not reject anyone who comes to Him: "All that the Father hath given me shall come to me; and he that cometh to me, I will not cast out." John 6:37. And in Matthew 18:12, He says that He is the good shepherd, who seeks out the lost sheep, and if He finds one, He rejoices, embraces it, and lays it on His shoulders: and He seems to love it even more, as is evident in the actions of St. Mary of Egypt.

[*Latin ed. p. 172*]

Angela of Foligno, Saint Margaret of Cortona, and others, attest to this. Therefore, he who has a right intention should not fear being condemned by the Lord, who did not hesitate to condemn Himself to death on the cross, lest He condemn us.

243. The third reason is the divine promises. In many places in the Gospel, divine grace is promised to those who ask: "Ask, and you shall receive." (John 16:24). "Amen, amen, I say to you, if you ask the Father for anything in My name, He will give it to you." (John 16:25). And here, the words apply not only to the just, but also to sinners, according to the passage in Matthew: "Everyone who asks receives." (Matthew 7:8). Therefore, it is sufficient to ask God for graces for salvation, so that they may certainly be obtained. "The Lord is good to those who seek Him." (Psalm 25:5).

244. The fourth reason is the intercession of the Saints, and especially of the Mother of God, whom God desires to be our refuge, our life, and our hope, along with the entire Church, and to whom we should say: "Refuge of sinners, pray for us." "Life, hope, be saved." Therefore, the Blessed Virgin is rightly called by Blosius, "Hope of the despairing," and by Saint Ephrem, "Helper of the afflicted." The same Mother of God revealed to Blessed Bridget that, just as a mother, seeing her son surrounded by the swords of her enemies, takes him into her safe keeping, so too she cares for her devoted ones, protecting them when they are tormented by demons, and to whom they commend themselves. Furthermore, she said that when a sinner ap-

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proaches her, she does not examine his merits, but rather considers with what intention he comes. And God Himself revealed to Blessed Catherine of Siena that He had granted to His daughter that no sinner who turns to her can be snatched away by a demon.

243. III. Against the temptation of vain glory. Saint Bernard says that vain glory is a certain arrow that penetrates lightly, but wounds deeply; especially if the person is conscious of his conscience. Therefore, if a priest ever considers himself to be very secure about his salvation because he has relied too much on his own works, let him be told that our sins are our own, but that all good things are received from God, as He says: "What do you have that you did not receive? And if you did receive it, why do you boast as if it were your own?" (1 Corinthians 4:7). And since no one can have a certain and infallible knowledge of whether he is worthy of love or hatred (Ecclesiastes 9:1), let everyone always fear.

[*Latin ed. p. 173*]

He ought, with fear and trembling, to work out his salvation, as the Apostle says, Philippians 2:12.

IV. Against the temptation to impatience. If someone, afflicted by the torments of illness, is overcome by impatience, let this be shown to him: how much the martyrs have suffered for the name of Christ, being flayed alive, burned, and slaughtered. And especially, let all that innocent Jesus endured for our love be brought before his eyes. Let the sick person be told that the pains of illness cannot be avoided; therefore, if he suffers them unwillingly, he will fare badly now, and in the life to come; but if he accepts them willingly for God, not only will he be relieved from the penalty of the illness here, but there he will suffer less torment in purgatory, and will be augmented more in heaven: "Your sorrow will be turned into joy." John 16:20.

Let him be reminded that the torments of this life complete our eternal crown, for (as St. Bonaventure says), to patiently endure punishments is a work more perfect than all other works, according to the words of James: "Patience hath a perfect work." James 1:4. And thus, God treats his friends in this life, for the cross is a more secure sign of our predestination.

In B. Clara, for 28 years, lived with the torments of illness. St. Lidovina bore the weight of infirmity for 58 years. And the Divine Mother, one day, said to B. Birgitta who was suffering from illness: "Do you know why your infirmity has lasted so long? It has lasted because My Son and I love you very much."

The Apostle greatly consoles us, miserable travelers amidst the sorrows of this world, saying: "For that which is at present momentary and light of our tribulation worketh for us above measure, exceedingly an eternal weight of glory." 2 Corinthians 4:17. And elsewhere: "For I reckon that the

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sufferings of this time are not worthy to be compared with the glory to come that shall be revealed in us." Romans 8:18.

And so, it is necessary diligently to encourage the sick person to conform himself to the will of God, not only if he suffers pain, but also if the doctors are mistaken, or if those attending to him neglect his care. Therefore, let him be frequently reminded to beg for patience from God.

V. To those who suffer greatly from dying so prematurely, let the miseries of this life be brought to their attention: infirmities, anxieties of the mind, and also the dangers of sin and damnation. Therefore, the saints so eagerly desired death. St. Theresa said: "Alas for me, because in every moment of my life I can lose God; therefore, whenever the clock struck, she was very grateful, because the hour of this danger had passed."

[*Latin ed. p. 174*]

The blessed martyrs proceeded to the scaffold, so that they might escape this danger, and enjoy God. Hence it is said in the Apocalypse (14:13): "And I heard a voice from heaven, saying to me." "Blessed are the dead who die in the Lord... that they may rest from their labors." In this valley of tears, we are pilgrims: "For here we have no abiding city." Hebrews 13:14. Every one, whether king or priest, must undergo death. 249. He should encourage the sick person, so that he may give thanks to God, because He has not permitted him to die at a time when he was in sin; and because He now prepares him to depart, fortified with the sacraments. He should say that, at least, death should be received with a willing spirit, because we escape so many minor faults, from which we cannot be free in this life. 250. He should say to the sick person: "My brother, it is necessary that you conform yourself to the will of God, because He arranges all things for our good. Who knows whether, if you lived longer, you would lose your soul? But the sick person will say: I would prefer to live, in order to make some satisfaction to God for my sins, and to accomplish some good before death, since up to now I have done nothing. The priest should reply: "My son, there is no penance more pleasing to God than to willingly accept death for the expiation of sins; and there is no act more perfect than to accept death in order to fulfill the will of God. 251. VI. Against the temptation of attachment to goods and relatives. To those who are displeased at dying because they are too attached to their loved ones, the confessor should say: "These are not true goods, since they are fleeting and will soon fail; and if they do not fail, they will rather torment the soul than comfort it." 252. If, however, the sick person is distressed because of his wife, children, or grandchildren whom he leaves behind, he should gently encourage him thus: "My son, it is decreed that all must die; all will follow you in due course; now, consider your own salvation, and save your soul, and thus you will pray for them in heaven, and you will be blessed with them eternally. But now, what is sweeter than to set out to dwell with Jesus Christ, with the

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Queen of Heaven, and with all the Saints!" 253. If, however, he is distressed because he leaves his loved ones in poverty, he should say to him: "Listen, my son, if you attain eternal salvation, you will be able to help your loved ones much more from heaven than from earth."

[*Latin ed. p. 175*]

But do not doubt, for God, who feeds the birds, will not fail to provide for them. If you love them, God loves you more.

VII. Against the temptation of hatred and vengeance. If anyone is held by hatred because of some offense received, 1. let him be reminded of the divine precept: "Love your enemies." 2. Let him be told that he who does not forgive cannot hope to receive forgiveness from God, who says: "Without are dogs," (Apocalypse 22:15). Dogs (a symbol of those seeking vengeance) are repelled from heaven. 3. On the contrary, God promises certain forgiveness to the sinner who forgives his offender, from the words: "Judge not" (Luke 6:37). 4. Furthermore, let it be pointed out that if an enemy unjustly offends him, how much more unjust is he who offends God? Therefore, if he asks God to forgive him, how much more should he forgive his neighbor? "As also the Lord hath done to you, do you also" (Colossians 3:13). Finally, let him be shown how pleasing it is to God for one to forgive injuries. Saint John Gualbert, after being angered by fratricide, when entering the church and greeting the image of the Crucifix, saw the Redeemer incline his head towards him, as if giving thanks to him for the forgiveness given. Saint James embraced him who had accused him before his death. Saint Stephen prayed for those who stoned him. Saint Lewis, King of France, had dinner with him who had plotted his death. Saint Ambrose provided sustenance for a long time to a certain betrayer of his. And above all, our Lord Jesus Christ gave the first example of this, who, being placed on the cross, prayed fervently to the Father for his persecutors and those who cursed him.

§ III. Various motives and affections to be suggested to the sick.

234. 1. Motives of trust. We have already spoken about these above (in § II); the following can be added to them from Scripture: "My children, behold the generations of men." (Sirach 2:11). "He is a propitiation for our sins." (1 John 2:2). "Jesus Christ suffered death for this purpose, that he might obtain forgiveness of sins for us." (Romans 5:8). "He delivered him for us all, how shall he not also freely give us all things with him?" (Romans 8:32). "How then can God deny us forgiveness, who has given us his own Son?"

[*Latin ed. p. 176*]

235. The sentiment of trust: "The Lord is my light and my salvation, whom shall I fear? The Lord is the protector of my life: of whom shall I be afraid?" Ps. 26:1. "Into thy hands I commend my spirit: for thou hast

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redeemed me, O Lord God of truth." Therefore, we beseech thee, O Lord, assist thy servants, whom thou hast redeemed with thy precious blood. In thee, O Lord, have I hoped, and I shall not be confounded forever. O Jesus, hide me within thy wounds. Thy wounds, my merits. St. Bernard. O Jesus, my Lord, wilt thou deny me forgiveness, who hast not denied me thy life and thy blood? The Passion of Jesus, thou art my hope. The merits of Jesus, they are my hope. The wounds of Jesus, they are my hope. The death of Jesus, it is my hope. Mary, my mother, save me, have mercy on me. O Hope of all, be praised. Holy Mary, Mother of God, pray for me, a sinner. We take refuge under thy protection, O holy Mother of God.

236. Motives and sentiments of contrition. St. Augustine says that each one, at the end of life, ought not to omit deploring his sins. "Enter not into judgment with thy servant." Ps. 142:2. O Jesus, my Judge, spare me, before thou comest to judge me. God will not despise a contrite and humbled heart. O my God, if I had never offended thee! O my Lord, thou shouldst not have been so treated by me, as I have impiously done. Father, I am not worthy to be so called thy son. I have departed from thee, I have despised thy grace, I have lost thee wilfully: with all my heart I repent, O my God, for the love and blood of Jesus Christ, have mercy on me. Cursed be my sins, which have deprived me of God; I detest, I abhor, and I curse them! O my God, what evil have I done, that thou shouldst be so offended by me? Have mercy on me for the sake of Jesus, thy Son. Never, O Lord, will I offend thee, as long as I live; whether it be little or much that remains to me, I wish to love thee. I offer thee in satisfaction for the insults which I have offered to thee.

[*Latin ed. p. 177*]

I have deserved death, and the pains which I shall endure until death. Lord, you punish me deservedly; I have greatly offended you. But I beseech you, punish me in this life, and not in another. O Mary, obtain for me the sorrow for my sins, forgiveness, and perseverance.

257. III. Motives and affections of love. My God, who are infinite goodness, I love you above all things; I love you more than myself; I love you with all my heart. My God, I am not worthy to love you, because I have so greatly offended you, but through the love of Jesus, make me worthy. Oh, that all would love you! Jesus, most sweet, I desire to suffer and to die for you, who, for my sake, deigned to suffer and to die. Lord, punish me as you will, but do not deprive me of loving you. My God, save me; my salvation is to love you. I desire paradise, that I may love you eternally, and with all my strength. My God, do not abandon me to hell, as I deserve: there you would be hated by me, but my spirit would not be able to hate you. And what evil, my Lord, have I done to you, that you should be hated by me: make me love you, and send me where you will. I wish to suffer as much as you please: I wish to die, so that I may please you. Unite me with you,

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Jesus, my Lord, and do not allow me ever to be separated from you. My God, make me entirely yours, before I die. When will it be that I can say: My God, I can no longer lose you. Oh, my God, I would love you as much as you deserve! O Mary, draw me entirely to God! My mother, I love you very much; I wish to come to Heaven, to love you eternally.

258. IV. Motives and affections of conformity. All our good and life consists in conforming ourselves to the will of God, according to that which is written: "Life consists in doing the will of God." Psalm 27:6. God indeed wills what is for our best good. Saint Gertrude, when Jesus appeared to her, offering her death and life, responded with these words: "Lord, what you will, and I will." Likewise, Saint Catherine of Siena, when Jesus appeared to her, offering her a double crown,

[*Latin ed. p. 178*]

259. Affectus. Eja N. Si Deus te vocat ad vitam aliam, es contentus? Es contentus. Dic igitur semper: Domine, ecce me, fac de me, quod tibi placet. Semper fiat voluntas tua; volo tantum, quod tu vis. Volo pati, quantum tu vis. Volo mori, quando tu vis. In manus tuas commendo animam, et corpus meum, vitam, et mortem. Benedicam Dominum in omni tempore; aut me consolaris, aut me crucias, Deus meus; ego te amo, et semper te amare volo. Deus meus, cum morte Jesu mortem meam conjungo, et sic eam tibi offero. Voluntas Dei, tu es amor meus. Ob beneplacitum Dei mei, me tibi totum in holocaustum trado.

260. V. Motiva, et affectus desiderii erga paradisum. Motiva. Refert Blosius plures revelationes, ex quibus habetur, quod in purgatorio illi, qui tepide cœlum optavere, excruciantur peculiari pœna, appellata à Doctoribus mysticis pœna desiderii, aut languoris. Praesens vita est pœnarum carcer, in quo Deum videre non possumus; unde meritò rogabat David: "Bring my soul out of prison, that I may praise thy name." (Ps 141:8) et S. Augustinus clamabat: "I sleep, and my heart watcheth." (Song 5:2). S. Hieronymus appellabat mortem, sororem suam, eique dicebat: "Aperi mihi, soror mea." Et quidem rectè, nam mors est illa quæ paradisi januas nobis reserat. Et ideò pariter S. Carolus Borromæus, videns mortis effigiem cum falce in manu depictam, pictori præcepit, ut falcem deleret, et ejus vice clavem auream tanquam cœli clavem depingeret. Expedit igitur, ut sacerdos sæpius alloquatur moribundos de cœlestis patriæ bonis, in mentem eis revocans quod Apostolus ait: "But, as it is written: That eye hath not seen, nor ear heard: neither hath it entered into the heart of man, what things God hath prepared for them that love him." (1Cor 2:9).

261. Affectus. "Quando veniam, et apparebo ante faciem Dei?" (Ps 41:3). "Quandone crit, Deus meus, quod tuam infinitam pulchritudinem videbo, et facie ad faciem te diligam?" In cœlo semper te amabo, tu semper me

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amabis; invi-

[*Latin ed. p. 179*]

Therefore, we shall love you forever, O God, my God, my love, and all things. O Jesus, my Jesus, when shall I kiss the wounds which you bore for me? O Mary, when shall it be that I may see myself at the feet of that Mother, who loved me so much, and who aided me? Therefore, O our Advocate, turn those your merciful eyes towards us, and after this exile, show us Jesus, the blessed fruit of your womb. 562. VI. The feelings which may be suggested to the sick person while kissing the crucifix. Most sweet Jesus, do not look at what I have done to you, but at what you have done for me. Remember that I am one of your sheep, for whom you died. Gladly, for you, O Jesus, my Jesus, who have suffered for me, may I die. Accept me, O Jesus, my Jesus, and consume me for you, who have willed to be entirely consumed for me. Lord, your works for me are greater than those which I suffer for you: you, innocent, and I, a sinner. Kiss, my brother (the priest will say to the sick person), those feet, which so labored to seek out and save you, this lost sheep. Say, I pray: Most beloved Redeemer, I embrace your feet, as Mary Magdalene embraced them; may it be that I may hear you say to me, as she heard. O my God, spare me, for the love of Jesus Christ, and make it so that I may die well. Eternal Father, you gave me your Son; I give myself to you. O Jesus, my Jesus, I have been very ungrateful to you; have mercy on me. I have deserved hell many times; let me be punished not in another life, but in this one. If you have sought after me while I was fleeing, do not abandon me who seeks after you. O sweetest Jesus, do not permit me to be separated from you. Who shall separate me from the love of Christ? Lord Jesus Christ, through that bitterness which your most noble soul endured, when it departed from your blessed body, have mercy on my soul, a sinner, as it departs from my body. Amen.

[*Latin ed. p. 180*]

Jesus, my love, you died for my love: I wish to die for your love. 263. VII. Affects which may be suggested to priests and religious who are infirm. In peace, I shall sleep and rest. My God, and all. O, how blessed I am, if I should lose all things, so that I may gain you, my greatest good. Into your hands, O Lord, I commend my spirit. Do not cast me away from your presence. Jesus, most sweet, do not permit me to be separated from you. I shall die of the love of your love, who, for the love of my love, deigned to die. Thus spoke Saint Francis. A contrite and humbled heart, O God, you will not despise. In you, O Lord, I have hoped, and I shall not be confounded forever. I love you, O Lord, my strength. I shall die, O Lord, that I may see you. What is there in heaven for me, and what do I desire from you upon earth? O God of my heart, and my portion forever. The Lord is my light and my salvation, whom should I fear? Father, I have sinned, I am

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not worthy to be called your son. Turn away your face from my sins. I am yours, save me. When shall I come and appear before the face of God? Who shall separate us from the love of Christ? Grant me only your love, together with your grace, and I am sufficiently rich. Saint Ignatius of Loyola. My beloved is mine, and I am his. I will sing of the mercies of the Lord forever. Holy Mary, Mother of God, pray for us sinners, etc. Life, sweetness, our hope, hail. Refuge of sinners, pray for us. Mary, Mother of Grace, Mother of Mercy, protect us from the enemy, and receive us at the hour of death. O health of those who call upon you! Saint Bonaventure.

[*Latin ed. p. 181*]

§. IV. Admonitions concerning the last Sacraments, and the manner in which they may be profitably received. I. Concerning Confession. 264. As I stated above in practice (see our Moral Theology, book 6, numbers 260 and 484), when the danger of death is imminent, or perhaps the Eucharist has been administered, and a lengthy confession would be required, the sick person is not obliged to confess all and each of his sins. Furthermore, the following should be noted: 1. Every priest can, not only in the article of death, but also in danger (as the Council of Trent, session 14, chapter 7, declared), absolve those reserved by censures and excommunications (book 6, number 561). However, it must be noted that the confessor who lacks the authority is obliged to impose a penance on the sick person, so that, once the danger of death has passed, he presents himself to a superior, otherwise he will fall again under the censures, book 6, number 563, see second part. 2. A simple priest cannot absolve, if an approved confessor is present; however, if an approved confessor arrives while the confession has already begun; nor can he, if the approved person is involved with the sick person in a shameful sin, as decreed by the Supreme Pontiff Benedict XIV (in the cited book, number 555). 3. A dying person, deprived of his senses, can rightly be absolved, at least under the condition (which is safer), provided that it is clear that the sick person desired absolution, giving a sign of repentance; or if he has asked for confession; book 6, number 481. This is understood even if the dying person, in the act of sin, has lost his senses, book 6, based on the authority of St. Augustine and reason; because, on the one hand, the condition removes irreverence from the Sacrament, and on the other hand, it is always judged that everyone in such a case wishes to promote his own salvation, and to show some sign, even if, due to the illness, the sign is not well understood. 4. If the sick person, even after the third day, although warned of the danger, refuses to confess, it will be best if the priest advises the doctor, so that, according to the Bull of Pope Pius V, he may not be visited any longer. However, if the sick person remains stubborn, the doctor may again take care of him; see book

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6, number 664.

[*Latin ed. p. 182*]

II. Concerning Holy Communion. 265. The following points are noted. I. It is not necessary that a sick person receiving Holy Communion be completely devoid of hope of life, but it suffices that there be danger of death, cf. book 6, no. 284. II. If there is a danger of vomiting, Holy Communion cannot be given, even if it is preceded by an experience with an unconsecrated particle; cf. no. 292. See also: In case of doubt. III. Holy Communion can also be given properly to children of reasonable age, as well as to those suffering from mania, provided that it is known that they have lived a holy life, or that they have confessed recently, and that there is no danger of irreverence; therefore, it is probably permissible to experiment with an unconsecrated particle with these individuals. IV. Even to the sick, on Fridays, as is stated in the decree of the Holy Office of Rituals from the year 1622, it is not only permissible, but the parish priest is obligated to administer Holy Communion. 266. The common opinion holds that to a sick person suffering from the same infirmity, Holy Communion can be given multiple times; at least if there is an interval of six or eight days; indeed, many Doctors require a shorter interval, see nos. 284 and 285. However, if the sick person has received Holy Communion in the morning out of his own devotion, he cannot receive Holy Communion on the same day, unless a danger of death arises from some sudden illness, such as a wound, poison, *casus* (Kosso), and the like. Otherwise, if the sick person, already established in his infirmity, has received Holy Communion in the morning, see the cited reason, no. 285. Doubt 3. 267. VI. However, if the sick person has only confessed, and his condition worsens, then the priest should diligently prepare him, so that he may receive Holy Communion with a sound mind and with greater benefit; therefore, he should take care to instill in him the desire to receive Holy Communion, so that thus fortified by the power of the demons, he may resist more effectively and with greater grace, and that he may unite himself more closely with Jesus Christ our Redeemer, who desires to visit him (let him say), so that he may be able to pour forth his thanks within him, and to lead him quickly to the heavenly homeland: but also, if it is expedient, to impart health to his body. St. Cyril of Alexandria says that the Holy Eucharist also drives away diseases and heals the sick. And about his own father, St. Gregory of Nazianzus, he writes that as soon as he received Holy Communion, he recovered.

[*Latin ed. p. 183*]

268. Therefore, the priest should say to the sick person: "My brother, although your health is not yet hopeless, you are nevertheless in danger; therefore, it is best that, as soon as possible, you receive the Viaticum; for Christ will restore your health, if this will serve your eternal salvation; but if

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you must die, He will come to your aid against the devil, and will be your companion on your journey to the blessed homeland. What do you say? Do you wish to receive the Viaticum?" Indeed: "Prepare then your soul to embrace your Redeemer, who died for you. Say with all your heart: 'Come, Jesus, my love, my everything, come, for my soul longs for you. What is there in heaven for me, and what have I desired on earth but you? You are the God of my heart, and my portion forever.'"

269. However, when the Viaticum arrives, the priest should take care to remove from the sick person's room those who might cause him distress, namely, his parents, wife, sisters, children, etc., who might be the cause of his suffering. Then he should add to them: "As Saint Philip Neri exclaimed when he saw the Most Holy Sacrament in his room: 'Ah, my love, ah, my love.' Also, say, brother, say: 'Ah, my love.' Ah, here is the Son of God, who for your salvation descended from heaven, became man, willed to suffer death on the cross for you, and now comes to you unseen in your very room. Be of good cheer, for He has already forgiven your sins. He has already had mercy on you for your faults, and still has mercy. But now do you love the Lord God with all your heart? Is that so? Then say: 'I love you, my God, above all things, and because I love you, I repent of having sinned; for your love's sake, I gladly die; it pleases you already, I desire to die, so that I may see you and love you forever.'"

270. Then say: "If, therefore, you love Jesus, forgive now, by the love you have for Him, all those who have offended you in any way; is that not so? Do you also ask forgiveness from those to whom you have done injuries and offenses? Then turn your face to Jesus, who desires to embrace you: say with all your heart: 'Lord, I am not worthy, but although you acknowledge that you are unworthy of such a great gift, the Lord still wishes to come to you. Therefore, call Him again ardently: 'Come, Lord, come, my love, my God, and everything, come; my soul thirsts for you, and desires nothing else but you.'"

271. After the sick person has received Communion, the priest should assist him in giving thanks: "Then, my brother, now give thanks to the Lord, who has deigned to come to you and embrace you."

[*Latin ed. p. 184*]

The Sacrament is, and it is truly said, a pledge of future glory. The Lord is with you, what more do you fear? Rejoice, brother, for God wishes to give you paradise, and therefore He has deigned to give Himself entirely to you; therefore say: "My Lord, my love, I embrace you. I give you thanks, I love you, and I hope to love you forever: I repent of having offended you, and now, whatever time remains to me in this life, I firmly intend to devote it to your love."

272. "Jesus, my life, I gladly offer my life as a holocaust, if it pleases you to take it from me. May your will be done always. I pray that you may grant

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me perseverance and your love, so that by loving you, I may give my soul, so that I may always love you in heaven. You will not abandon me, and I will not abandon you; therefore, God of my soul, we will love each other forever."

III. Concerning Extreme Unction.

273. "Extreme Unction, as it is the last Sacrament, is, according to St. Thomas, the crown of the spiritual life; it prepares the person, strengthened by this Sacrament, to enter the heavenly homeland. Therefore, this Sacrament, while the sick person still possesses his senses, should be administered if possible, for although it cannot be administered unless a grave danger of death (at least probable) is present (as in our Moral Theology, book 6, chapter 714, question 4), it should not be postponed to the very last moment of life; see there, advertisement 1. Therefore, the Roman Catechism states, § 9, that it is a grave sin for pastors to administer Extreme Unction when there is no hope of life and the sick person is already deprived of his senses."

274. "The priest should encourage the sick person, for Extreme Unction, if it is beneficial to the soul, also contributes to the healing of the body, as stated in the Council of Trent, session 14, chapter 2. Sometimes the healing of the body follows, when it is conducive to the salvation of the soul. However, this healing is not granted when it is naturally impossible to be restored to health." John Eroldus recounts that a certain person revealed that if he had received Extreme Unction earlier, he would have immediately recovered from his illness; but because he delayed, he died, and was condemned to a hundred years in purgatory. Secondly, Extreme Unction remits the remaining sins, and consequently... "

[*Latin ed. p. 185*]

Concerning mortal sins which are hidden, as D. Thomas teaches: see above, chapter, number 731; therefore, the sick person should be instructed, so that while the five senses of the body are anointed, he may grieve over the sins committed through them, and may also respond, "Amen," with those present. Thirdly, particular aids will be provided, by which the force and violence of hell may be resisted in that final struggle. Therefore, it is very probable that someone who refuses to receive this Sacrament will be gravely bound by sin, as we said above, numbers 107 and 275. Some necessary things concerning the administration of this Sacrament may be noted here. I. It is only speculatively probable that it is sufficient to administer this Sacrament with a single drop of oil, without spreading it through the parts; however, this is not the case in practice, because this would not be a true anointing; see in Moral Theology, book 6, number 709, question 4. II. The anointing of the five senses is, according to the more common opinion, necessary for the Sacrament; therefore, the pestilence, or some other imminent danger of death, allows only one anointing: and in one

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sense only (as explained more fully in the chapter), the anointing may be applied; but always under the condition that the patient is able, and with the following formula: "May God grant you forgiveness through this holy anointing, and through His most pious mercy, for whatever you have done amiss through the senses, namely, sight, hearing, taste, smell, and touch." However, if the sick person survives, the anointings should also be repeated, under the same condition, in all five senses, with the usual prayers. III. It is not necessary for the Sacrament that the double anointing be applied to two parts; indeed, it is sufficient to anoint only one eye, one hand, etc., as long as there is a danger of infection, or some other necessity, as if the sick person is unable to turn to the other side. The anointing of the loins in women, and also in men, is left to the discretion, when the sick person (as the Ritual reminds us) cannot be conveniently moved. However, the common opinion holds that the anointing of the feet is not necessary for the Sacrament; but in this matter, the custom of the Churches must be observed, book 6, number 710, see Certain. Nor is it necessary for the Sacrament to observe the order in the anointing; however, one is gravely bound by sin who does not observe the established order, see above, also. IV. Extreme Unction is rightly conferred upon children who are of the age of reason, even if they are not yet fit to receive Holy Communion; however, if there is doubt about the use of reason, it may be administered under the condition. This, however, does not apply to those who are completely lacking in reason, numbers 719 and 720.

[*Latin ed. p. 186*]

V. To those who are loving, frenzied, or delirious, who, while having used their reason, have expressed a desire for the sacraments, and have requested, or would likely have requested, Extreme Unction, or have given a sign of contrition, it can be administered, provided the danger of irreverence is removed; and all the more so, if they have some lucid interval of reason. However, if there is doubt as to whether they ever used their reason, it can be administered conditionally. The same applies to the intoxicated, if they are in danger of death, unless it is certain that they were in a state of mortal sin when they lost their senses; for the impenitent, and those who die in manifest sin, as well as those who are excommunicated, should be denied it, as the Roman Ritual warns, see loc. cit. n. 752. It can also be administered to women who are in danger of death due to the pains of childbirth.

VI. The prescribed prayers, outside of the form, can be omitted in cases of necessity, and can be said later, if time permits, loc. cit. n. 727. And in such a case, the Sacrament can be administered, even without candles, and without a minister, loc. cit. n. 728. And also, probably, without the cope and stole, loc. cit. n. 726.

VII. Extreme Unction cannot be repeated in the same illness, unless the

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sick person has previously shown a probable recovery, and has fallen into another similar life-threatening situation, as taught by the Council of Trent, Session 14, chapter 5, see loc. cit. n. 715.

VIII. The priest should be careful when anointing the sick, so that he anoints the parts closest to the body; however, if he turns and the sick person dies in that moment, he should not consider that he has incurred an irregularity, because in this case, an irregularity cannot occur unless it is due to a fault, from which he who acts for a charitable reason is immune. Finally, the parish priest can properly prepare the sacred oil in his house at night, if he foresees a probable danger, so that if he is called to administer Extreme Unction and is not present, loc. 6, n. 750.

§ V. Warnings regarding the agony and death. 276. When the sick person reaches the agony, the priest should use the usual means of the Church, as much as possible, to help him.

1. He should often sprinkle the sick person with holy water, especially if he is agitated by diabolical temptations, saying: "Let God arise, and let his enemies be scattered."

2. He should sign the sick person with the sign of the cross and bless him, saying: "May God the Father bless you."

[*Latin ed. p. 187*]

May He who created you be blessed; may the Son, who redeemed you, be blessed; may the Holy Spirit, who sanctified you, be blessed. 5. Let the image of the Savior, and also of Mary, be frequently kissed. 4. See to it that the sick person obtains all the indulgences possible, and especially receives the blessing at the point of death, as Blessed XIV decreed, with the plenary indulgence which we will note below in n. 287. 5. Repeatedly suggest sentiments of sorrow, conformity, hope in the Passion of the Lord, and the intercession of the Blessed Virgin Mary, as well as a desire to see God. However, let the priest interpose some interval, so that the sick person may have time for reflection and rest. 6. Strive that, as often as possible, the sick person invokes, at least in his heart, if he cannot speak, the names of Jesus and Mary, and that he may say many times that prayer: "Mary, Mother of Grace, etc." 7. During the agony, let those present recite more frequently the litanies of the Blessed Virgin Mary for the sick person. It will also be beneficial to arrange for the bell to be rung to signal the imminent death of the dying person, so that all may pray for him; which can also help the healthy. And it should be generally noted that, when the sick person is deprived of his senses, prayers are more beneficial to him than words. 8. When the time of death is approaching, let the priest, with a mournful voice and with bended knees, recite the customary prayers of the Church: "Go forth, etc.," as found at the end of the Breviary, or in the Ritual. 9. While touching the sick person's hands, feet, etc., to see if he is cold, take care not to do this too often, lest it disturb him; and do not turn

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him over, but take care of him in this state of agony, for this could hasten his death. 10. When the sick person is near the passage, give him a blessed candle to hold, so that he may die in faith. 11. While the sick person is still alert, it will be helpful to administer absolution to him several times after a brief reconciliation, so that he may be more assured of his state of grace, if perhaps his previous confessions were invalid, or at least that he may receive an increase in grace, and that the punishment of purgatory may be lessened for him. And if, at that time, the sick person should fall into a mortal sin, do not be alarmed, but, reminding him to invoke the names of Jesus and Mary, comfort him gently, and strive to elicit an act of contrition, and then absolve him immediately. However, if the sick person is already without his senses, and shows no sign of sorrow, nor of a desire for absolution, it is not necessary to administer absolution very often within the same day.

[*Latin ed. p. 188*]

277. Quare, licet absolutionem conditionata ei impertiri, tamen ut Sacramentum validum administrari possit sub conditione, causa urgens et gravis requiritur; unde opus est, ut aliquod notabile temporis spatium intercludatur. Verum in hoc, sacerdos ex conscientia quam habet infirmi, se dirigere debet; nam si ille habitus est in pravis cogitationibus, si aliquo vulnere moritur, aut aliqua odii vel impuri amoris passione est irretitus, si infirmitas est nimis acerba, et ipse non libenti animo suffert, tunc saepius absolutionem dari potest; sin autem, sufficit ut trium aut quatuor horarum spatium intercedat: frequentiùs tamen, si iam iam moriturus est. Non abs re autem erit aegrotum, dum mente pollet, monere, ut si loqui non potest, signum aliquod determinatum det, dum absolutionem quaerit, aut dum sacerdos ipsi conferre vult, ex gr., oculos claudat, vel reserat, manum elevet, caput inclinet, et similia.

278. Denique, cum e vita iam migrasse videtur, caveat sacerdos, ne statim det hujus mortis signum, nec ei statim oculos, aut os claudat, aut visum pannis cooperiat; quia si nondum mortuus esset, fieri posset, ut mors acceleraretur. Cum autem certo scit animam iam ad aeternitatem migrasse, circumstantes, ut pro illo orent, moneat, et ipse flexis genibus dicat orationem: "Subvenite, etc.," ut in Rituali, vel in Breviario.

§. VI. Affectus, qui suggeri possunt agonis, et exspirationis tempore.

"In te, Deus meus, infallibilis veritas, credo; in te, immensa misericordia, spero; te, infinita bonitas, amo. In te, Domine, speravi, non confundar in aeternum. Quid mihi est in caelo, et a te quid volui super terram? Deus cordis mei, et pars mea in aeternum. Amore amoris tui moriar, qui amore amoris mei dignatus es mori. In pace in idipsum dormiam, et requiescam. Deus meus, ne permittas me separari a te. Nihil aliud quam te cupio. Bonitas infinita, te amo, te amo, te amo." (Hic animadvertendum est, actus

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frequentiores, qui moribundis suggeri debent, esse amoris, et doloris.)

[*Latin ed. p. 189*]

Jesus, my Jesus, who will soon judge me, have mercy on me before you judge. I love you, and because I love you, I repent of having offended you. Jesus, my most sweet Jesus, do not permit me to be separated from you. The Blood of Jesus, wash me. The Passion of Christ, save me. Into your hands, O Lord, I commend my spirit. I shall die, O Lord, that I may see you. Mary, Mother of God, pray to Jesus for me. Turn your merciful eyes to us, and after this exile, show us Jesus, the blessed fruit of your womb. O Mary, now is the time to help your servant. My Mother, do not abandon me. Paradise, O beautiful homeland, O homeland of love, when shall I see you? My God, when will I love you face to face? When, my Jesus, will I be certain never to lose you again? My God, and all. I am content to lose everything, in order to gain you, my God. My God, have mercy on me, for the love of Jesus. Send me, O Lord, into the fire of purgatory, for as long as you will; but do not send me to hell, where I cannot love you. Therefore, we beseech you, help your servants, whom you have redeemed with your precious Blood. Eternal God, I hope and desire to love you eternally. My love is crucified. Jesus, my love, my love has died for me. O God, come to my assistance: O Lord, make haste to help me. Eternal Father, for the love of Jesus Christ, grant me your grace. I love you, and I repent. How can I repay you, my God, for so many and such great benefits that you have conferred upon me? I hope to give you thanks eternally in heaven. Mary, Mother of of Grace, Mother of Mercy, etc. Have mercy on me, O God, according to your great mercy, etc. I will sing the mercies of the Lord forever.

[*Latin ed. p. 190*]

While the sick person is already near to expiring. 279. Into Your hands, O Lord, I commend my spirit. Jesus, my Savior, I entrust my soul to You, which You have redeemed with Your blood. (It should be noted that when the sick person is already very close to exhaling his soul, acts of devotion should be made without pause, and with a stronger voice.) Lord Jesus Christ, receive my spirit. My God, help me; that I may come to love You eternally. Jesus, my love, I love You, I repent. Oh, that I had never offended You! Oh, Mary, my hope, help me, pray for me to Jesus. Jesus, my Savior, save me through Your Passion. I love You. Mary, my Mother, help me in this hour. St. Joseph, help me, Archangel Michael, defend me. Angel of the Guard, keep me, St. N. (Here, especially, mention should be made of the protector of the sick person), commend me to Jesus Christ. You Saints and You Holy Women of God, intercede for me. Jesus, Jesus, Jesus. Jesus and Mary, I offer You my heart and soul. § VII. Signs of Impending Death. 280. It is necessary that the priest, who performs this work of charity, know the signs of impending death, so that he may better assist the sick person who

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is about to expire. There are three principal and universal signs. 1. A pulse that is weakening, intermittent, and throbbing. 2. Anxious breathing. 3. Eyes that are sunken, and glassy, or wider than usual, or excessively bright, or that perceive objects differently than they appear to others; as when the upper eyelid relaxes, and passes beyond the lower eyelid. 281. There are also signs of imminent death, such as a sharpened nose, and at the very end, a paleness, and if the nostrils blow as if with a bellows; trembling hands; livid nails, a yellowish, bluish, and altered complexion; a foul-smelling and cold breath; an immobile body; cold sweat on the forehead; excessive heat in the region of the heart; and a convul-

[*Latin ed. p. 191*]

To gather wool or hair; coldness in all extremities. 282. However, the signs closest to death are intermittent or weak breathing; failure of the pulse; contraction of the teeth, a grating sound: a distillation in the cold, a certain gentle sigh, or groaning; tears flowing spontaneously; contortion of the mouth, eyes, and the entire body. 283. Note 1. That those suffering from dropsy, acute fever, or wounds, asthma, pleurisy, bleeding, vomiting, angina, and rheumatism, sometimes expire with only a few of the aforementioned signs, and with a strong pulse, and while speaking. Note 2. Those who are near death are those who suffer from pleurisy, when difficulty in breathing, increased shortness of breath, and livid lips appear. Those wounded in the head sometimes die suddenly. Those suffering from dropsy, as the pulse weakens and shortness of breath increases, and foam appears in the mouth. Those suffering from intermittent fever often die at the beginning of the attack, when violent convulsions occur. Note 3. In some sick people, the breathing is so weak, and the agitation of the heart so great, that they seem to be already dead, and yet they are not. The more certain signs of death are the coldness of all parts, even in the region of the heart, the heaviness of the body, the fact that a stimulus applied to the nostrils is not felt, that the breath does not cloud a mirror held to the mouth, and the like. Finally, note that sometimes the aforementioned signs, even if present, may be misleading, and the sick person may die suddenly; therefore, while the sick person is still struggling, the priest should never abandon him. § VIII. and last. Prayers, Christian acts, and blessings. 284. The priest, entering the sick person's home, should say: 10. Peace to this house. 11. And to all who dwell in it. He sprinkles the room with holy water, saying: "Thou shalt sprinkle me with hyssop, and I shall be cleansed: thou shalt wash me, and I shall be made whiter than snow." Then he may say the prayers that are found in the Ritual for Extreme Unction. Afterwards, he should place the image of the Redeemer in acci.

[*Latin ed. p. 192*]

Saying this: "Behold the Cross of the Lord, flee, you adverse powers."

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And let him kiss the sick person, saying: "I kiss the feet of Jesus Christ, who for your salvation died on this cross." 285. Then say: "Therefore, place your hope in God. We wish that Mary, by the grace of God, may intercede for your salvation; however, your infirmity is grave. Conform your will to the will of God, that He may do with you what He wills. Therefore, recite with me the Christian acts, so that you may be able to prepare yourself for death with these, if God has so determined for the good of your soul; and say with me: 286. Acts of Faith. My God, infallible truth, because You have revealed to the Holy Church what I ought to believe, I believe what the Church proposes to me. I believe that You are my God, Creator of all things, who will reward the just in paradise for all eternity, and will punish the sinners in hell. I believe in the mystery of the Most Holy Trinity, that is, the Father, the Son, and the Holy Spirit, three Persons, but one God. I believe in the second Person, that is, the Son of God, who became man in the womb of the ever-virgin Mary, and who died for us sinners. He rose again, and now sits at the right hand of the Father; and He will come again to judge the living and the dead. I believe in the seven Holy Sacraments, and especially in Baptism, Penance, the Eucharist, and Extreme Unction. I believe that all must rise again with their bodies; and finally, I believe all that the Holy Roman Catholic Church believes, in which alone I believe there is true faith. Acts of Hope. My God, trusting in Your promises, because You are faithful, powerful, and merciful, I hope, through the merits of Jesus Christ, for the forgiveness of my sins, for final perseverance, and for the glory of paradise. Acts of Love and Sorrow. My God, because You are infinite goodness, worthy of infinite love, I love You with all my heart above all things. And I am deeply sorry for all my sins, because I have offended Your infinite goodness, and with all my soul I repent and detest them. I propose to myself to rather die than to sin, with Your grace, which I beg You to grant me now and always. And I propose to receive the Holy Sacraments in life, and in death. (Benedict XIII granted an indulgence of seven years to all those who perform these acts once a day; and if they are performed for an entire month, after confession and Communion, according to the intention...)

[*Latin ed. p. 193*]

The Pope grants a plenary indulgence, even for the souls of the departed: and if anyone receives it at the end of life, it is an indulgence at the hour of death.

The Blessing at the Hour of Death. 287. POPE Benedict XIV, in the year 1747, granted to bishops, and to their delegates, the faculty of granting a plenary indulgence to the sick who request it, after they have received the sacraments of Penance, the Eucharist, and Extreme Unction, or if they have reasonably requested them, or if they have given some sign of suffering, and afterwards have lost their senses. However, not to the excommuni-

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cated, nor to the impenitent, nor even to those who die in evident sin. It must be noted, however, that the aforementioned faculty must be obtained from the bishop by any priest for the time being; for in the bull *Pia Mater*, issued by Benedict XIV on April 5, 1747, it is stated: "When new bishops are appointed to the Catholic flock, we wish and decree that each of them, when requesting this faculty from Us, or from the Pope in Rome for the time being, shall obtain it through Apostolic Letters, etc."

The manner in which the blessing is given is as follows: 288. The priest, entering the sick person's home, says: "Peace to this house, and to all who dwell in it." And he sprinkles with blessed water, saying: "Thou shalt sprinkle me with hyssop, and I shall be cleansed: thou shalt wash me, and I shall be made whiter than snow." Afterwards, he says: "Have mercy on me, O God, according to thy great mercy. And according to the multitude of thy tender mercies blot out my iniquity." And saying nothing else, he repeats the antiphon: "Thou shalt sprinkle me, etc." If the sick person requests confession, the priest should hear it kindly; but if the sick person is unable to confess, the priest should strive to elicit an act of contrition from him, and comfort him with the hope of the glory of paradise: he should urge him to offer himself entirely to God, and to accept whatever God wills for the satisfaction of his sins, and even death itself; then he says: 289.

A. "Our help is in the name of the Lord."

29. "Who made heaven and earth."

Antiphon: "Remember not, O Lord, the sins of thy servant (or thy handmaid), nor take vengeance for his (or her) sins."

Kyrie eleison.

Christe eleison.

Kyrie eleison.

Our Father, etc.

[*Latin ed. p. 194*]

x. And lest we, etc. xi. But deliver, etc. x. Save thy servant (or thy handmaid), O Lord. xi. O my God, in thee do I hope. x. O Lord, hear me, etc. xi. And my cry, etc. x. The Lord be with you. xi. And with thy spirit. LET US PRAY. MOST MERCIFUL GOD, Father of mercies, and God of all consolation, who will not suffer any to perish who believe and hope in Thee, according to the multitude of Thy mercies, look favorably upon Thy servant N., whom true faith and Christian hope commend to Thee. Visit him in Thy mercy, and through the passion and death of Thy Only Begotten Son, grant him mercifully the remission and forgiveness of all his sins, that his soul, at the hour of his death, may find Thee a merciful Judge, and may deserve to pass over, cleansed in the blood of the same Son, into everlasting life. Through Him, etc. Then, after the priest has said, "I confess to God," the priest says: May mercy, etc. I grant thee, etc.; then: Our Lord Jesus Christ,

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the Son of the living God, who gave to His apostle Peter the power to bind and to loose, may receive, through His most pious mercy, thy confession, and may restore to thee the white garment which thou didst receive in baptism, and I, by the authority of the Holy See granted to me, grant thee a plenary indulgence and the remission of all sins. In the name of the Father, etc. May Almighty God, through the holy mysteries of reparation, remit to thee all the penalties of present and future life, may open the gates of paradise, and may lead thee to everlasting joys. Amen. May Almighty God bless thee, the Father, the Son, and the Holy Spirit. Amen.

[*Latin ed. p. 195*]

If, however, the sick person were so close to death that there would not be time for the aforementioned prayers, the priest should immediately impart to him the aforementioned blessing. Our Lord Jesus Christ, etc. 290. The Scapular of the Blessed Virgin Mary of Mount Carmel (1). The priest, turning towards the habit, says:

v. Show us, O Lord, your mercy.

r. And grant us your salvation.

v. O Lord God of virtues, turn us.

r. And show your face, and we shall be saved.

v. O Lord, hear my prayer.

r. And let my cry come to you.

v. The Lord be with you.

r. And with your spirit.

LET US PRAY.

O God, Savior of all the faithful and of the human race, sanctify with your right hand this habit, which your servant is about to wear, for love of you and of your most holy Virgin Mother Mary of Mount Carmel; and may that which is mystically given through it always be kept safe by you, both in body and soul, and may it lead him to eternal happiness with all the saints. Who live and reign world without end. Amen.

Then, he sprinkles the blessed water over the habit, and afterwards places it upon the person receiving it, saying:

Receive, devoted man, this blessed habit, and pray to the Blessed Virgin that she may preserve it without stain through her merits, and that she may defend you from all adversity, and lead you to eternal life. Amen.

(1) This scapular belongs to the Order of Carmelites and is made of dark-colored cloth.

[*Latin ed. p. 196*]

Then let him say: "By the power entrusted to me and granted, I receive

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and accept you for participation in all prayers, disciplines, devotions, intercessions, elections, fasts, vigils, Masses, canonical hours, and other spiritual benefits, which are commonly performed, day and night (with the cooperation of the mercy of Jesus Christ), by religious. In the name of the Father, and of the Son, and of the Holy Spirit." Then "Bene X" should say: "O Creator of heaven and earth, Almighty God, who has deigned to choose you for the society and confraternity of the blessed Virgin Mary of Mount Carmel, we pray that at the hour of your death, the head of the serpent who is your adversary may be crushed, and that you may, as a pilgrim, obtain the palm and the eternal crown of inheritance. Through Christ our Lord. Amen." Let the one receiving be sprinkled with blessed water.

291. The Blessing of the Scapular of Saint Mary of the Seven Sorrows (1).

V. Aid us, O holy God.

R. And may the light of your mercy shine upon us.

V. You who made heaven and earth, etc.

LET US PRAY.

O LORD JESUS CHRIST, who have deigned to clothe us with the covering of our mortality, we beseech your immense and abundant generosity, that you may deign to bless "Bene X" with this kind of garment, which the holy fathers have ordained us to wear in memory of the seven sorrows of the Blessed Virgin Mary, so that whoever has been clothed with it, both in body and in soul, may be clothed by you, our Savior. Who live and reign world without end. Amen.

(1) This scapular belongs to the Order of the Servants of the B.V.M. and is made of black cloth.

[*Latin ed. p. 197*]

Afterwards, the priest shall sprinkle the recipient with blessed water and impose the Scapular, saying: "Receive, most beloved brother, the habit of the Blessed Virgin Mary, a singular sign of her servants, to remember the seven sorrows which she endured in life and in death for her only-begotten Son, so that, clothed in this manner, you may always live under her protection. May the blessing of God Almighty, the Father, and the Son, and the Holy Spirit descend upon you, and remain always. May the Passion of our Lord Jesus Christ, and the compassion of the Blessed Virgin Mary be in our heart and body. Amen." 292. The Blessing of the Scapular of the Immaculate Conception of the Mother of God (1). "Help us in the name of the Lord." "Who made heaven and earth." "The Lord be with you." "And with your spirit." LET US PRAY. "O Jesus Christ, who have deigned to clothe us with the covering of our mortality, we humbly implore the gift of your generosity, that you would deign to bless this kind of garment, which, instituted in honor and memory of the Immaculate Conception of

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the Blessed Virgin Mary (and, as one clothed in it, may pray), has been established for the reformation of the wicked ways of men, so that this your servant, who has been clothed in it, may, through the intercession of the same Blessed Virgin Mary, also deserve to be clothed in you. Who lives and reigns, etc." (1) This Scapular belongs to the order of regular clergy (commonly known as Theatines) and is made of blue cloth.

[*Latin ed. p. 198*]

Afterwards, the priest, having sprinkled the scapular with blessed water, shall place it upon the recipient, saying: "Receive, brother, this scapular of the blessed Virgin Mary, immaculate, so that, through her intercession, you may be stripped of your old self, cleansed from all defilement, and may bear it yourself without spot, and arrive at eternal life. Amen. And I, by the authority given to me, receive you into participation of the spiritual benefits which are wrought in our Congregation by the grace of God, and which have been granted by the privilege of the Holy Apostolic See. In the name of the Father □, and of the Son, and of the Holy Spirit. Amen. If a sick person has never received any scapular, or any of those about which we have spoken above, let the priest who has the authority take care that the sick person receives it then, so that he may gain indulgences."

[*Latin ed. p. 199*]

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n. 5, § II. Concerning the office of a physician.

n. 6. Wherein is discussed the manner and time when the confessor ought to correct the penitent.

n. 7. To instruct the ignorant.

n. 8. To dispose [the penitent] for absolution.

n. 10. To impose penance upon him, and to offer remedies for persevering [in virtue].

n. 11, and following.

§ III. Concerning the office of a doctor. Wherein is discussed the knowledge which the confessor requires.

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§ IV. Concerning the office of a judge.

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n. 19. And here is specifically discussed the obligation of examining peasants, and of forming a judgment concerning their sins.

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Chapter II. Concerning the questions to be put to uneducated penitents.

n. 21. Concerning the first precept. And here is discussed that which is necessarily known concerning the mysteries of the Faith, and eternal salvation. Concerning superstition and sacrilege in reciting sins because of shame. Concerning omitted penances, and concerning scandal.

n. 22, and 25.

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n. 24. Concerning the transgression of vows, and concerning their commutation and dispensation.

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[*Latin ed. p. 200*]

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61. XII. With barbers, number 62. And here, the discourse is about men who cut the hair of women. Chapter IV. How the confessor should behave with those who are in imminent danger of sin, numbers 65 and following. Chapter V. How to deal with habitual sinners and those who relapse, numbers 70 and following. And especially with those who, being habituated to some vice, are about to receive Holy Orders, numbers 78 and 79. Chapter VI. How to deal with penitents who have I. some censure or reserved case, numbers 80, 81, and 82. Or II. an obligation to denounce [something], number 83. Or III. an impediment to marriage, numbers 84 and 85. Or an impediment preventing them from receiving what is due to them, number 86. Here are noted the formulas for obtaining a dispensation from the Holy Penitentiary in cases of impediments, vows, and irregularities, number 87. The formula for executing the dispensation, number 88.

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ecstasy, rapture, and spiritual flight. No. 157. Concerning spiritual marriage. No. 158. Concerning visions. Nos. 159 and 140. Concerning locutions. No. 141. Concerning revelations. No. 142. Direction concerning all the aforementioned supernatural gifts. Nos. 143 and 144. § III. Concerning mortification. No. 145 and following.

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§ I. Warnings for confessors. n. 172 and following.

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Blessing of the Scapular of the Immaculate Conception of the Mother of God. n. 292.

[*Latin ed. p. 203*]

EXAMINATION OF THOSE TO BE ORDAINED. Briefly compiled by the same Author from his own Moral Theology, containing matters of greater necessity (1).

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CHAPTER I. On the Sacraments in General. What a sacrament is.

1. What is required to constitute a sacrament? Does circumcision, etc., suffice?

2. What are sacramentals?

3. Are the sacraments distinguished?

4. Question I. What is required for the essence? Concerning the matter.

5. Concerning the form, and the connection of matter with form.

6. Concerning substantial change, or accidental change.

7. Concerning a sacrament under a condition.

(1) In this treatise, the blessed author frequently praises another moral work, which is entitled *Homo apostolicus*; but in order that this Moral Theology may suffice for all, and that the reader may not be compelled to examine other books, we have omitted the passages praising this theology, where the same matters are treated with a more extensive and accurate style, from *Homo apostolicus*. Edition 47.

[*Latin ed. p. 204*]

Doubts, or mixed cases. Interruption of the form. 8. Concerning the intention of the minister and the recipient. 9. Question II. Concerning the minister. 10. Whether he must be in the state of grace. 11. If he is a layman, or if he administers not solemnly, whether contrition suffices. 12. If he absolves in mortal sin: if he administers the Eucharist: if he celebrates Mass. 13. If a subdeacon, or deacon, administers solemnly. 14. If he administers to an unworthy person. 15. To simulate the administration of the sacrament. 16. To simulate the reception. 17. Whether the minister must intend that which the Church intends. 18. Question III. What is required for the valid and licit reception of the sacraments. 19. Whether it is permissible to ask for something from an excommunicated person, or a sinner. 20. Whether it is permissible to give money for the administration of a sacrament. 21. Effects, and I. Concerning grace. 22. and 23. II. Concerning the character. 24. 1. – A SACRAMENT, speaking generally, signifies a mystery, or a hidden thing; but in the Christian Church, a sacrament is defined as follows: It is a visible sign of an invisible grace, instituted by Christ, for the sanctification of the people of God. It is called a visible sign, namely, an external sign in a material subject to the senses. It is of an invisible grace, because the sacrament signifies the grace which it infallibly causes, namely, by the very act performed, or by itself, provided that the recipient is properly disposed. It is instituted by Christ, because, according to the more probable opinion, Christ, even as a man, instituted the sacraments by a power which is said to be excellent. (See *Opus Morale*, book 6, paragraphs 1, 2, and 5). 2. – Therefore, three things are required for a sacrament: 1. An external sign. 2. A promise of grace. 3. The institution of Christ, since all the sacraments derive their power from the Passion of Christ. It is doubted whether circumcision

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was formerly a true sacrament, conferring grace by the very act performed? Scotus affirms this, but the Doctors generally deny it; for circumcision operated only an external holiness, and not an internal one; however, it is commonly held that it was a true sacrament (book 6, paragraph 4). 3. – Sacramentalia, however, are certain sacred actions instituted by the Church, such as holy water, blessings of things, consecrations, and the like. These do not, by themselves, have the power to remit sins, but only to obtain divine helps for eliciting good acts, by which sins are afterwards remitted (book 6, paragraphs 90 to 94). 4. – The sacraments are distinguished in many ways. Firstly, some are necessary by a necessity of means, such as baptism for all.

[*Latin ed. p. 205*]

Concerning the sacraments, there are those pertaining to the living, such as penance for those who have fallen into mortal sin, and the order [sacrament] for those who administer the sacraments of the Eucharist and penance: also the Eucharist itself (according to the more probable opinion), at least implicitly in the vow (l. 6, n. 192). Secondly, by necessity of the precept, are confirmation, according to the probable opinion, and likewise marriage, which, although opposed by some, is probable (l. 6, n. 181), and extreme unction, according to the more probable opinion, is altogether to be recommended (n. 753). Secondly, some sacraments are repeatable, such as the Eucharist, penance, extreme unction, and marriage; others are not repeatable, such as baptism, confirmation, and the order [sacrament], because of the character which they indelibly imprint. Thirdly, some sacraments pertain to the dead, such as baptism and penance, because they confer the first grace and prepare the soul of the deceased, that is, the soul lacking grace; others pertain to the living, which sometimes, by accident, also confer the first grace, namely in the case where someone, sincerely believing himself to be contrite, receives [the sacrament], as taught probably by Lugo, Suarez, Conc. Caj. Croix, Salm, Castrop, and many others from the Doctors of the Church, against others, according to the common opinion (l. 6, n. 87). Fourthly, some are *formata*, that is, with the effect of grace, others are *informa*, that is, without the conferral of grace, which is the form of the sacrament. Whether the sacrament of penance can be valid and *informa*, that is, without grace, some deny; but commonly, and more truly, others affirm. The case would be if someone were to receive absolution from a mortal sin with only attrition conceived from the supernatural turpitude of that sin, and with an excusable forgetfulness of another mortal sin. (He who wishes to see this question explained with all its reasons should observe l. 6, n. 444).

5. — Question I. What is required for the essence of the sacrament? Three things are required: matter, form, and intention. Matter is the corporeal and sensible thing which is applied to the recipient, e.g., water, chrism, holy

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oil, etc. And this is the remote matter; the proximate matter is the very application of the matter, such as ablution, unction, etc. 6. — The form are the words pronounced by the minister. But in order for the sacrament to be valid, a connection, or simultaneity, is required between the matter and the form, namely, that the matter be applied before the pronunciation of the form is completed, or after the pronunciation of the form has begun.

[*Latin ed. p. 206*]

The opinion that it suffices to apply the matter immediately before or after the utterance of the form is merely probable, and not morally certain, as is required when the validity of the sacrament is at stake, according to proposition 1 of the condemnation by Innocent XI; therefore, it is not practically probable. However, the sacraments of Penance and Matrimony are excepted, which are valid even if some delay occurs between the matter and the form (l. 6 n. 9).

7. If the matter is substantially changed, namely, if wine is used in place of water, or if the form is changed, namely, if the words do not have the same meaning, such as saying, "I sprinkle you," instead of "I baptize you," the sacrament is invalid. Otherwise, if the change is accidental, such as if the water is hot or boiled, or if one says, "I baptize you in the name of the Father, and the Son, etc.," as is stated in c. Retulerunt, de consecr. dist. 4, or "in the name of God Almighty, etc.," the sacrament is not necessarily invalid. However, the one making the change would not be excused from a grave sin (l. c. n. 11).

8. In a case of necessity, or of great utility, the sacraments can validly be conferred under a condition (at least with the intention retained) (1). This applies not only to the sacraments that imprint a character, as is certain from c. 2 de Baptism, but also to others, if the matter cannot be obtained except in a doubtful manner; thus, Suar., Castrop., Habert, Bonac., Roncag., Salmant., and others commonly hold, contrary to Juenin and Antoine (l. c. n. 28 and 29). However, can a minister use a doubtful matter or form if he is compelled to do so by fear of death? It is probable that he can, unless he is compelled in contempt of religion; thus, Sanch. Coninch. If a foreign substance is mixed with the proper matter in a greater or equal proportion, the matter is unsuitable; otherwise, if it is in a smaller proportion; thus, St. Thomas (3rd part, q. 74, n. 3, ad 3). An interruption of the form, if it is slight, does not affect the validity of the sacrament. Otherwise, if it is such that the words do not constitute a single meaning (l. 6, n. 11, ad 3). However, it is not permissible to repeat the form, unless there is a probable doubt that the form was invalidly pronounced (l. c. n. 224, v. Advertendum). Some say that certain matters and forms of the sacraments were generally determined by Christ and left to the Church, so that the Church could determine them in particular. But it is more probable that all were determined by Christ in substance. Therefore, if something is found

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to be different between the new and the ancient custom of the Church (1).

(1) See l. 6, n. 29.

[*Latin ed. p. 207*]

8. Concerning the matter and form, that change is considered to be only accidental. (See this question reduced to its essence in Book 6, paragraph 12).

9. Finally, the essence of the sacrament requires the intention of the minister, and that intention must be actual, or at least virtual. Actual intention is that which is actually held. Virtual intention, on the other hand, remains in virtue of the action which the minister performs, based on a previously held actual intention; this is distinct from habitual intention, which is sometimes held and not retracted (see above, paragraph 15). This habitual intention is not sufficient in the minister, but it is perfectly sufficient in those who receive the sacraments; and even if they themselves are asleep, or drunk, or have fallen into madness after already having the intention to receive, this is commonly taught by Lugo, Castrop, Salm, and many others with D. Th. (in 4th Dist., 6th Quest., 1st Article, 2nd Section), and it is clear from the Decretals, title "Verum," concerning baptism, and also from the Instruction on baptism issued by Benedict XIV, in the last month. Indeed, with regard to extreme unction, and even confirmation, an interpretative intention is sufficient for those receiving the sacrament, that is, an intention which the recipient does not currently have, nor has ever had, but would have if they were aware of the matter (see above, paragraph 81).

10. Question II: Who is the minister of the sacraments? With regard to order, only the Bishop is the minister (see above, Book 6, paragraph 761); and with regard to confirmation, he himself is the ordinary minister, since extraordinary ministers can also be simple priests (see above, paragraph 170). For the other sacraments, only the priest is the minister, except for marriage (see above, paragraph 897), and also for baptism in cases of necessity; in such cases, even laymen, and even heretics, can baptize (see above, paragraph 115).

11. However, in order to validly administer the sacraments, it is not necessary for the minister to be in a state of grace, for even sinners can validly administer them. However, heretics, and those excommunicated with respect to the sacrament of penance, cannot. See the statements in Book 6, paragraph 560. However, for licit administration, the state of grace is required; but in extreme necessity, if the minister could not be found so quickly, he is probably excused from guilt if he administers; so say Soto, Suarez, Tolet, Cajetan, Armil, Valen, and Anacl (see above, Book 6, paragraph 55, and Gabrini, *Luc. Moral.*, page 2, fourth part, paragraph 56). However, the parish priest, or the sacristan, are never excused: these must always be prepared to administer. The celebrant, however, in mortal

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sin...

[*Latin ed. p. 208*]

Four mortal sins are committed: 1. because he consecrates unworthily, 2. because he receives unworthily, 3. because he administers unworthily, and 4. because he administers to one who is unworthy, which is himself (l. 6, n. 35, see hence).

12. — Question: Does one sin gravely who, while in a state of mortal sin, administers the sacrament out of necessity, if he is not ordained for it, such as a layperson contracting marriage or baptizing; or if he is ordained, but administers it not solemnly? Some, with probability, deny this, as Cont. Tourn., Natal., Alex., and others from *D. Th.* (3, p., q. 64, art. 6, ad 3). But it is more probable that they affirm this, as Cont. Tourn., La Croix, Antoine, Lugo, Pontius, Vasq. Navarr., etc., because the sacred things ought always to be treated with reverence (l. 6, n. 32); moreover, the minister, if he is in mortal sin, suffices to elicit a certain act of contrition (Ibid., n. 34); but he who is to celebrate Mass ought to make a confession beforehand, except in the case where, on the one hand, he ought to celebrate out of necessity, and on the other hand, there is no priest available to hear confessions; but then, after the celebration, he ought to confess as soon as possible, as decreed by the Council of Trent, session 13, chapter 7 (See l. 6, n. 235).

13. — The confessor who hears confessions while in mortal sin, it is more probable, with Lugo, Spor., Salm., Elbel, Croix, and others, that he does not sin gravely, because he does not consecrate the sacrament. But if he absolves several penitents, even successively, while in the state of mortal sin, he commits more mortal sins, because he administers more distinct sacraments (l.c., n. 56, see question 5). Likewise, a priest or deacon who administers the Eucharist while in mortal sin, sins mortally, because he is closely associated with the sanctification of those who receive Communion. This is to be held with many, contrary to others (l.c., n. 35). But he who celebrates Mass while in mortal sin, if he administers the Eucharist to several people, it is more probable that he commits one mortal sin, because that administration and Communion are a single moral act, a single banquet (See l. 6, n. 35, see hence).

14. — Deacons and subdeacons, if they administer at the altar while in mortal sin, according to many, probably sin gravely, but according to the more common opinion, and one that is sufficiently probable, this is denied; because they do not consecrate nor administer the sacrament, nor do they exercise functions closely ordered to the sanctification of souls (l. 6, n. 37 and 38). Likewise, a preacher who preaches while in mortal sin, does not sin gravely, as is commonly and probably taught by Gonet, Lugo, Castrop., Bonac., Vasq., Salm., Croix, and others (contrary to Merb., Juen., etc.); for

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he does not exercise...

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45. A grave sin is committed by a minister if he secretly gives a sacrament to one who is unworthy; otherwise, if that person is a hidden sinner, and publicly requests it (l. c. n. 43 ad 51). It must be noted that a Bishop can also deny someone the conferral of Holy Orders, even if that person publicly requests it, due to hidden sins, according to the decree of the Council of Trent, Session 14, chapter 1, where it is said that a cleric must obey a prelate who forbids the reception of Holy Orders because of a hidden crime. Nor is the Bishop then obliged to reveal the reason why he refuses to ordain, as the Sacred Congregation of the Council has declared on several occasions (l. 6, n. 52). Whether a confessor can absolve a relapsed sinner in grave sins, who wishes to receive Holy Orders without prior penance, see what is said in Book 6, n. 63.

46. It is not permitted for a minister to simulate the administration of a sacrament, even out of fear of death, as stated in proposition 29, condemned by Innocent XI. However, a minister is considered to be simulating the administration when he pronounces the formula without intention, or says something else, in order that others may believe that he is already conferring the sacrament. Therefore, it is permissible for a confessor to recite a prayer over a penitent who is indisposed, not in order that others may believe that absolution is being administered to him, but only to conceal the denial of absolution; in this case, he is not simulating the administration of the sacrament, but only concealing the truth (Book 6, n. 59). Furthermore, Cardenas rightly says that a confessor, when a penitent threatens him with death if he does not absolve him, can say, "I do not absolve you," pronouncing the word "not" submissively, because this is not a purely mental restriction; as Viva objects, since the confessor is not obliged to ensure that the penitent hears the words of absolution, and therefore he has no right to require the confessor to pronounce all the words of the formula intelligibly (Ibid. in fine).

47. Just as it is not permitted for a minister to simulate the administration of a sacrament, so neither is it permitted for others to simulate the reception of a sacrament, as say Cardinals Croix and Gormaz. However, this does not prevent it from being permissible for someone to approach the confessional and to kneel there for some business to be done. Furthermore, Sanch., Conc. Castrop., Cardinal Viva, Croix, and others, contrary to Milante, commonly say that if one of the spouses is forced to consent by unjust fear, or is unable to...

[*Latin ed. p. 210*]

"To avoid scandal, if a person's mind is clouded, he may, at least without grave fault, simulate the celebration of marriage; for then, lacking consent,

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the contract is lacking, and lacking the contract, the sacrament itself does not exist (l. 6, n. 62)."

"The minister administers the sacrament invalidly if he does not intend to perform the external act that the Church performs, nor to use the sacramental rite that the Church intends to use, which has been instituted by Christ, even if the minister, not in jest (as Luther still foolishly maintained), but seriously performs the act, as we have demonstrated in the Moral Theology (l. 6, n. 20 and 25)."

"If, however, he intends this already, he administers the sacrament validly, even if he does not have an explicit intention of conferring the sacrament. I say he does not have an explicit intention; for if he positively intended not to confer the sacrament, then he would not confer it, because in that case he would truly have no intention of doing what the Church does (lb. n. 23). However, a priest who performs sacramental actions, such as blessing water, in mortal danger, does not commit a grave sin (n. 40)."

"Question III: What is required for someone to receive the sacraments validly and licitly? To receive them validly, it is required that 1. He be baptized, for otherwise he is not capable of receiving the other sacraments. 2. Except for the sacrament of baptism, for which no intention is required in children, and in those who are perpetually insane, since in these cases the intention of the Church suffices; in other sacraments, it is necessary that the recipient at least have beforehand the intention (which is called habitual) of receiving the sacrament, and that he not revoke it, as we said above, n. 9. Hence, if someone is ordained by force, he would be invalidly ordained; otherwise, if by fear, because fear does not remove the voluntary act. It is highly probable that the sacraments can be licitly conferred upon both the intoxicated and those who have fallen into insanity, if they have beforehand the intention of receiving them; so say Lug, Castrop, Salm, Croix, Cardinal Lambertinus, etc., from the Doctors of Theology and the Capitulare Maior, §. Verum, de Bapt. (Lib. 6, n. 81, v. Utrum.). Even at the time of death, an interpretative intention in the recipient who is deprived of his senses suffices for the sacraments of extreme unction, as is stated in the Rituale, and also for confirmation and the Eucharist; so say Lug, Coninc, Spor, Croix, etc., but not for baptism and ordination; and much less for penance and marriage, in which an actual intention, or at least a virtual one, is absolutely required (l. c. n. 82). To receive them licitly..."

[*Latin ed. p. 211*]

However, for one to receive the sacraments, a suitable disposition is required, namely, the state of grace; therefore, if one is in a state of mortal sin, he must at least be contrite with the intention of confessing. Indeed, for the reception of the Eucharist, prior confession is required, unless necessity compels, and a confessor is not available; in such a case, the priest who celebrated [the Mass] (as we said in n. 12) must, as soon as possible,

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confess. This is according to the decree of the Council of Trent, session 13, chapter 7. Necessity will be present in the following cases: 1. To administer Viaticum [the Eucharist given to the dying]. 2. To avoid infamy or scandal. 3. If he is a parish priest, and a holy day of obligation occurs. 4. If, after consecration, the celebrant remembers a mortal sin (l. 6, n. 262). Furthermore, it should be noted that one who receives the sacrament of Penance without a proper disposition does not only licitly, but also invalidly receive it, since the contrition of the penitent is also the matter of this sacrament. With regard to the other sacraments, if one receives them without a proper disposition, he does validly receive them; so that, when the impediment of sin is removed, they become efficacious, that is, they confer grace, as many teach in the *Summa Theologica* (lb. n. 87, 20, Qu. IV).

Question IV: Is it permissible to request the sacraments from a minister who is a sinner or excommunicated? It is not permissible from a sinner, even if he is a parish priest (whatever some may say), unless there is a just cause; a grave reason is sufficient (ib. n. 89), as commonly taught by Suarez, Sanchez, Scotus, Palotius, Tollet, Anacleto, Holzmüller, Salmeron, etc. They say that it is permissible to request them: 1. If the precept of confession or Communion, or of attending Mass, is urgent, or if an indulgence is to be gained. 2. If one is otherwise about to miss a jubilee year. 3. If one were to remain in mortal sin, even for an hour, as Suarez and Escobedo say. 4. If one is about to be deprived of the fruits of Communion or confession, etc. Absolutely, however, without any other cause, it is permissible to receive the sacrament from an excommunicated person, if he has been tolerated, because the Council of Constance absolutely granted to the faithful the ability to communicate with tolerated persons (Lib. 6, n. 88, v. Resp. II). However, to avoid scandal, it is not even in extreme necessity permissible to receive Penance from one who is excommunicated, because (as we said in n. 11), even in extreme necessity, he invalidly administers it.

Question V: Is it possible to offer money for the administration of a sacrament, if the minister refuses to administer it freely? It seems to be denied by St. Thomas (2-2, q. 100, art. 2, etc.); he states that an adult, even at the point of death, cannot offer anything to obtain baptism, saying that at that time, baptism with water is sufficient for his salvation. But whatever may be understood...

[*Latin ed. p. 212*]

The doctrine of this angelic Doctor, commonly held by Bonaventure, Salmeron, and Roncaglia (Bonaventure, *de Simplicitate*, dist. 1, qu. 4, § 2, n. 2; Salmeron, *Tractatus*, 19, on the same title, n. 12; Roncaglia, on the same title, page 211, in *Praxis*, n. 3), along with Suarez, Lessius, Sanchez, Layman, Castrop, and others, affirms that money can be given in extreme necessity, and even in grave necessity of the sacraments. The reason is that, on the one hand, the giving of money is not intrinsically evil; for it

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is a material, not a formal, cooperation; since it is not done in cooperation with the minister's wicked will, according to what is stated in law 6, n. 65. On the other hand, the one receiving does not commit simony, since he does not give money to purchase the sacrament, but only to alleviate the distress of a minister unjustly denying the sacrament; and therefore, he gives a temporal thing for a purely temporal reason; and this is all the more true if the one receiving is a faithful person, because then he has a right to the sacrament, as the same Doctor teaches (ibid., ad 5) that, once a right has been acquired, it is permissible for anyone to give money to remove an unjust impediment. Suarez, Fillon, and Croix admit this, not only for obtaining baptism and penance, but also the Eucharist; and Bonacorsi extends it even to extreme unction.

22. — Of the effects of the sacraments. The effects of the sacraments are twofold: the conferral of grace, and the impression of a character. Therefore, the first effect is grace. But two kinds of grace are conferred in the sacraments: sanctifying grace, which makes a person a friend of God, and sacramental grace, which is proper and peculiar to each sacrament, to cause the proper effect of that sacrament, namely, baptism, to cleanse from sins; confirmation, to strengthen in faith; the Eucharist, to nourish the soul; penance, to remit sins; extreme unction, to give strength against the temptations of demons in the final struggle; ordination, to confer helps, so that the ordained may properly exercise their duties; and marriage, so that spouses may well bear and fulfill the burdens and obligations thereof.

23. — The sacraments, in the one receiving them, cause grace *ex opere operato*, that is, from the work itself, not from the work of the one performing it, but from the merit of the one receiving. Whether they cause this physically, so that the matter of the sacrament, namely, water, oil, etc., although it is only a natural cause, is nevertheless elevated by God to cause grace, as the Doctor teaches? Or only morally, so that, given the sacrament, God, through Himself, confers grace, as Scotus wishes? Both opinions are probable (ibid., 6, n. 7). The sacraments.

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However, the sacraments of the dead, such as Baptism and Penance, of themselves have the power to cause the first grace. But other sacraments, which are for the living, only cause an increase in grace; but sometimes, in those who think themselves contrite, they also cause the first grace, as taught by the Doctors [of the Church] on the Eucharist, and on Extreme Unction, and following [are cited] the Councils of Ronc [Roncaglia], Suar [Suarez], Bon [Bonifacius], Salm [Salmeron], etc. (L. 6, n. 6).

24. Another effect of the sacraments is the character. A character is a certain spiritual and indelible seal imprinted upon the soul receiving the sacrament; it is imprinted only in Baptism, Confirmation, and Holy Orders, and it signifies the power, or dignity, received from such sacraments: in

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Baptism, it is the seal of Christ's sheep, by which the faithful are made fit to receive other sacraments; in Confirmation, it is the seal of Christ's soldiers, by which they receive strength to constantly profess the faith; in Holy Orders, it is the seal of Christ's ministers, by which they acquire the power to administer the sacraments to the faithful. However, the character is also imprinted in a sacrament illicitly received; nor is it lost through sin.

It should also be noted that from Baptism and Confirmation arises another effect, namely, the impediment of spiritual consanguinity, which dissolves the marriage between the baptizer and the baptized, between the godparent and the godchild, and between the godparent and the parents of the godchild.

CHAPTER II. On the Sacrament of Holy Orders in general.

25. What is Holy Orders?

26. How many orders are there; and is the Episcopate a distinct order?

27. Are the individual orders sacraments?

28. What is the matter and form of Holy Orders; and of the physical imposition and concomitance?

29. Who is the minister?

30. The effects.

31. Requirements for valid ordination.

52. For lawful ordination, it is required: I. Confirmation. II. That he is not infamous, etc. Concerning the Bishop's permission, etc. III. The will to become a priest. IV. That it be by his own Bishop, etc.

33. Who is the proper Bishop? Regular clergy from whom, etc., if they refuse.

34. V. Knowledge.

35 and 36. VI. Title; and how much title is required.

57 and 38. Concerning fictitious patrimony.

39. VII. That the lower order be received before the higher order.

40. VIII. The proper time.

41. IX. In Volume IX.

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41 and 42. X. Place. XI. Ages. 45 and 41. XII. Exercise of the received order. XIII. Divine vocation. 45. Those who incur suspension, etc. 48. 25. — The order, according to St. Thomas, is the seal of the Church, by which spiritual power is conferred. It is a matter of faith that the order is a sacrament, as is clear from the Council of Trent, Session 23, chapter 3. For in the order, three requirements for a sacrament are already found, namely, an external sign, which is the laying on of hands; the institution of Christ, as is evident from Luke 22: "Do this in remembrance of me"; and the promise of grace, as is evident from 1 Timothy 1: "I admonish you to stir up the grace of He

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which is in you through the laying on of my hands." 26. — However, the order differs from ordination. The order is the power itself that is conferred; ordination is the action by which the Bishop confers that power. Therefore, the priesthood is a sacrament in being, that is, in the act of ordination, but not in essence, that is, when someone is already ordained. There are seven orders, some lesser, some greater. The lesser orders are four, namely, the order of Acolyte, Lector, Exorcist, and Doorkeeper. The greater orders are three, namely, Subdeacon, Deacon, and Priest. In addition to these, several Doctors probably add the order of Bishop, and indeed, this is very probable, and it is commonly held by Bellarmine, Sanchez, Habert, etc., since the episcopate is reasonably distinguished from the priesthood because of the distinct power that is conferred upon the Bishop, namely, the power of consecrating others to the power of consecrating the Body of Christ, and of absolving the faithful from sins (See book 6, number 758). 27. — Question I: Are the individual orders sacraments? It is a matter of faith that the priesthood is a sacrament. It is certain, but not a matter of faith, that the diaconate is also a sacrament. It is quite probable that the other orders are also sacraments, according to St. Thomas, since each order seems to have its own matter and form. All seven orders (according to this view) constitute only one sacrament because of the unity of purpose, since each is ordained to perform the one sacrifice of the Mass, and all are understood to have been instituted by Christ with those words: "Do this in remembrance of me." In the order of priesthood, others are either contained eminently, as are the lesser orders, or consequentially with respect to the episcopate. However, it is more probable that the other orders (other than the priesthood,

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And the diaconate, as we have said), are not sacraments; because they lack the matter, namely, the imposition of hands, which (as we shall soon say) is more probably the only matter of the order: and also the form, which expresses the bestowal of grace, since in the conferring of these orders, mention is not made of grace, but only of the power that is transmitted. On this question, much has been said in the Moral Theology, book 6, paragraphs 756 and 737, 28. — Question II: What is the matter and form of the order? There are three opinions. I. It holds that the matter of the order is solely the tradition of the instruments; but this is not sufficiently probable. II. It holds that the proximate matter is twofold, integral, namely, the tradition of the instruments, by which is transmitted the power over the real body of Jesus Christ for the sacrifice, with the formula: "Receive the power," etc., and the imposition of hands, by which is transmitted the power over the mystical body for the absolution of sins, with the formula: "Receive the Holy Spirit," etc. The remote matter (according to this opinion) are the hands of the Bishop, and the instruments which are delivered to him for touching. III. The more probable opinion holds that the matter is solely the

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imposition of hands; and the form is the prayer which the Bishop recites (How this is proven, see what is said in book 6, paragraph 749). However, since the second opinion is also probable, namely, that there are two matters of the order, namely, the imposition of hands, and the tradition of the instruments, this must certainly be followed in practice. Therefore, it is necessary in the ordination that the instruments be touched, and indeed a physical touch, since it is also probable that a moral touch is not sufficient. It is sufficient to touch with a single hand, or finger (Ibid., paragraph 745). However, (as we said in paragraph 6), it is not necessary that the contact be made from the beginning of the utterance of the formula to the end, but it is sufficient if it is made before the formula is completed, or after it has begun. The form is the words which the Bishop, who is ordaining, speaks, as he lays on his hands, and delivers the instruments, as mentioned above. It must be noted here again 1. that in the conferring of a sacred order, the matter must be delivered by the same Bishop who pronounces the formula; otherwise, in the conferring of lesser orders: thus the Doctors of Theology (Supplement, question 58, article 1, ad 2) and others. It must be noted 2. that if the orders are conferred by one Bishop, but celebrated by another, the ordination will be valid, but illicit, as declared by Innocent XIII, apud Benedict XIV (De Synod., book 8, chapter 11, paragraph 7).

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29. — Question III. Who is the minister of this order? The ordinary minister of this sacrament is only the Bishop. However, the Pope can grant a simple priest the power to confer the lesser orders, as abbots with miters possess; but they have this power only for their subjects who are regularly professed, or novices, and not for secular clergy, as is now certain, according to a decree of the Sacred Congregation of Councils, approved by Urban VIII, who ordered that it be observed inviolably, and rejected any contrary opinion (L. 6, n. 763 and 764, and Tract. de Privil. n. 117). Secular clergy, however, are illicitly ordained by abbots if they are subject to them, or if they have dismissal letters from their own ordinaries to the abbots; they incur suspension, but they are validly ordained, as declared by the Sacred Congregation. See the aforementioned in the same Tract, chapter 50. — Question IV. What are the effects of the order? There are three: 1. The conferral of the sanctifying grace, that is, which is conferred in every sacrament, as we said in n. 22, and of the sacramental grace, namely, special help for the proper exercise of the order. 2. The conferral of the power to exercise the functions of the order received. 3. The impression of an indelible character, for which reason the conferral of any order cannot be iterated.

31. — Question V. What is required for someone to be validly and licitly ordained? For valid ordination, the following are required: I. That he be a male. II. That he be male; for women are not capable of the sacrament of

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order. III. That he be baptized. IV. That he have at least a habitual intention (according to the statements in n. 9) of receiving the order.

32. — For licit ordination, the following are required: I. That he be confirmed: but this is not under a grave precept, as the common opinion holds (L. 6, n. 786). Regarding the obligation of each faithful to receive confirmation, see the statements in book 6, n. 141. II. That he be not a neophyte, nor infamous, nor irregular. It is doubtful here whether someone who is entangled in irregularity is validly ordained, if the Bishop precedes the ordination with a protestation (as is customary) that he does not wish to ordain irregulars, excommunicated persons, etc.? I answer, in this doubt (whatever others may say), it must always be said that the ordination must be repeated; unless it is clear that the Bishop uttered those words only to terrify, and that his intention was not at all bound by the protestation (L. 6, n. 784). Furthermore, Benedict XIV wisely warns in De Sacr. Miss., section 2, § 70, according to a decree of the Sacred Congregation of Councils, to inquire about this.

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It is the intention of the Bishop. However, Benedict, in the Synodal Decrees, book 8, chapter 11, number 1, advises Bishops to abstain from this protestation; for although, he says (referring to Lugo), a Bishop might, in some cases with a very serious reason, have a conditional intention, this intention cannot, in general, be held towards all those being promoted, without several inconveniences. He adds, referring to Navarro, Gobato, and again to Lugo, that a Bishop, when conferring orders, is strictly bound to confer them absolutely upon those to whom he lays hands. What, therefore, (he concludes justly) will that protestation achieve, except to instill more scruples in those who are being promoted?

III. The disposition for receiving orders is required, as prescribed in the Council of Trent, session 25, canon 4, namely, the intention of ascending to higher orders. However, this must be understood to apply when someone accepts a benefice for which the priesthood, or another sacred order, is required (book 6, number 788).

IV. It is required that each person be ordained by his own Bishop, or by another, but with letters of dispensation from his own Bishop, if the latter is hindered by infirmity, or another just cause. However, in the case of a vacant see, today (whatever may have been the case in antiquity), the chapter cannot grant dispensations to anyone, unless that person is bound to receive the order due to a benefice requiring personal service (ibid., number 788).

35. A Bishop is said to be proper either by reason of origin, or of domicile, or of a benefice, or of familiarity. And I. Orders should be received from the Bishop of origin, if the person to be ordained was born in his diocese, and his parents resided in the same place at the time of his birth; for if he were

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born elsewhere, and his parents resided elsewhere, then he is said to be of that place, and he should be ordained by the Bishop of the place where his parents reside.

II. By reason of domicile, one is rightly ordained who has established his residence in a certain place, with the intention of remaining there permanently. This intention is proven either by a residence of ten years, or by the construction of a house with the removal of the greater part of his possessions, living there for a considerable time, as is stated in the papal bull *Speculatores* (see book 6, number 770, ad V.).

III. By reason of a benefice, even if someone was born elsewhere and has a domicile, he can rightly be ordained by the Bishop in whose diocese he holds a benefice sufficient for proper support, provided he obtains testimonial letters from the Bishop of his domicile; from whom, however, he may be examined.

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If he is to return there, according to the Apostolic Mandate. But it must be noted that, in order for someone to be ordained by a Bishop to a benefice, he must at least have been tonsured; otherwise, he is not capable of receiving the benefice, and therefore not fit to receive the Orders from that Bishop. IV. Finally, by reason of familiarity, if someone has remained for three years in the household, or in the constant service of a Bishop, living at the expense of that same Bishop, even if he does not live in that Bishop's house, he can be ordained by him, provided he lives in the place where the Bishop is, or nearby; and provided that the Bishop immediately confers a true benefice upon him; it is not sufficient if he assigns a pension, or an estate (Ibid. n. 780). 34. — Regular canons, however, are to be ordained by the Bishop of the place where they reside, if the Bishop has the authority to ordain at the prescribed times; otherwise, they can be ordained by any Bishop. See what is said on this matter in Book 6, n. 768 and 788, v. Note 8. 35. — V. Suitable knowledge is required for receiving Orders. The Council of Trent requires only that those to be initiated into the first Tonsure have been taught the fundamentals of the faith, and that they know how to write, session 23, chapter 4. For those to be initiated into the minor Orders, that they understand the Latin language, ibid., chapter 11. For those to be initiated into the subdiaconate and diaconate, that they are instructed in letters, and in those things that pertain to the exercise of the Order, chapter 13. Finally, for those to be initiated into the priesthood, that they are judged to be suitably qualified, after careful examination, to teach the people those things that all must know for salvation, and to administer the sacraments. Ibid., chapter 14. Note that the words "to administer the sacraments" are used by those being ordained and by those ordaining; therefore, the Doctors say that those being initiated into the priesthood must know not only what pertains to Baptism, the Eucharist, etc.; but also what pertains to

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Penance; for although a priest-to-be does not require as much knowledge as an approved confessor, he must nevertheless know the universal moral principles, by which he can resolve doubts commonly encountered in cases of necessity, in which he is obligated to receive the confession of the dying, and he must certainly know how he ought to behave with those who are near death, namely: 1. When can they be absolved, even in the presence of an approved confessor? 2. When absolutely, and when conditionally? 3. Is it only in articulo mortis, but also in danger of death, and in what kind of danger? 4. What should be imposed upon the sick person, if he has a bulla or a sensu-

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Are reservations permitted? See what is said below concerning this obligation in number 150. Furthermore, the Bishop can rightly demand a greater knowledge than that required by the council (Book 6, number 792, see Advertisement 2).

56. — However, in religious men dedicated to a contemplative life, or only to the choir, and altar, or sacristy, a lesser knowledge is required, provided they know how to perform what pertains to the exercise of the order; and therefore, they must at least be instructed in grammar, otherwise they are irregular, even by divine law, so that even the Pope could not dispense them. However, this irregularity, once the cause of ignorance is removed, is removed from them without dispensation (loc. cit. number 791, Questions 2 and 5).

57. — VI. A title of support is required, otherwise the Bishop, when granting ordination or dispensations, is obliged to support the ordained man himself, until he has a title, as stated in chapter Cum secundum, concerning stipends, and chapter Recepimus, concerning age and quality, etc. However, this must be understood unless the Bishop has been culpably deceived, or unless the ordained man already has another source of livelihood (Book 6, number 813).

58. — The title of support can be threefold: poverty, benefice, and patrimony. Only those religious men who have professed vows of poverty are ordained with the title of poverty. Secular clergy, on the other hand, must be ordained with the title of a benefice, which must be certain in the present, and sufficient for proper support according to the standards of the diocese, Orense, or the benefice itself, if the benefice requires residence (Ibid. numbers 815 and 816). Note that the Sacred Congregation, on July 17, 1725, left it to the Bishop's discretion whether or not to deduct the offerings from Masses from a benefice or chaplaincy (loc. cit. number 774). For the title of patrimony, Bishops can only ordain secular clergy for the necessity or convenience of their churches, as prescribed by the Council of Trent, session 21, chapter 2. The patrimony must consist of a certain and stable thing, of its own nature productive, peacefully possessed, and free from

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all burdens. A perpetual census is also sufficient, even if it is redeemable (loc. cit. number 817).

59. — Here, the following is doubted: 1. Whether one incurs suspension who is ordained with a fictitious patrimony. Some probably deny this; but others more probably affirm it; and this is certain in the diocese of Naples (Book 6, numbers 820 and 821). Doubt 2. According to the aforementioned more probable opinion, whether one also incurs suspension who is ordained with a truly donated patrimony, but given beforehand...

[*Latin ed. p. 220*]

With the chalice, or with the faith concerning the return of that gift to the giver after ordination? I distinguish: If the giver has a true intention of giving, he does not incur [any penalty], because that agreement concerning the return of the patrimony is considered null, as the Holy Congregation has declared (and the Sacred Congregation has repeatedly declared that any alienation of patrimony without the permission of the Bishop is invalid). Otherwise, if the giver does not have the intention of giving, because then the recipient does not acquire any dominion over the thing (lib. n. 822, ad 824).

40. — VII. It is required that the lower order be received before the higher order, otherwise, he who is ordained by jumping over [the intermediate steps] incurs a suspension by that very act from the exercise of the order received, until the Bishop grants a dispensation (l. 6, n. 795).

VIII. That the order be received at the proper time. The higher orders can only be received on the four Sabbaths of the year: on the Sabbath before the Sunday of the Passion, and on Holy Saturday. The lower orders, however, can be received on any feast of precept, and also on the sixth day before the general ordination, and on the fourth day of the four seasons, according to the received custom. Nevertheless, in Ferrar. Biblioth. t. 5, verb. Ordo, n. 7, a decree of the Sacred Congregation of April 13, 1720, is cited, in which it is stated that, with regard to the lower orders, the custom can be tolerated if it is ancient, that they are administered the day before, after dinner, but it is advisable in this matter for the Bishop to conform to the Roman Pontifical. But he who is ordained outside of the proper times incurs a suspension by that very act (lib. 6, n. 794).

41. — IX. It is required that the orders be received at proper intervals of time. And I. Among the lower orders, some interval is required: it is said "some," because it is not precisely determined by the Council of Trent, in session 25, chapter 11, where it is also added, "Unless it seems more expedient to the Bishop." However, the Bishop can freely confer the first tonsure with any lower order. II. To proceed from the lower orders to the subdiaconate, a space of years is required: unless necessity, or the benefit of the Church (meaning the Church to which the one being ordained is attached) requires otherwise, according to the judgment of the Bishop: as

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is stated in Trent, l.c. III. To proceed from the subdiaconate to the diaconate, a space of years is also required, but the Bishop can dispense in this matter for any reasonable cause; for in Trent, chapter 13, it is said: "Unless it seems otherwise to the Bishop." IV. Finally, to proceed from the diaconate to the priesthood, at least a year's interval is required.

[*Latin ed. p. 221*]

Unless it appeared to the Bishop to be for the benefit and necessity of the Church, as stated in Council of Trent, Session XXIV, Chapter 14. Note here that by "benefit and necessity," understand moral necessity, that is, a notable and certain benefit to his own Church.

42. It should be noted that: 1. He who receives two sacred orders on the same day incurs, by that very act, suspension from the last order received, and furthermore, irregularity (Book 6, paragraph 796). However, he who would receive four minor orders together with the subdiaconate on the same day would indeed sin gravely, but would not incur suspension (loc. cit., paragraph 797 and following). Note 2. That if someone is ordained without observing the proper intervals, but on different days and at legitimate times, he also sins gravely, but it is less likely that he would incur suspension (loc. cit., paragraph 796, verse, Question 2). Note 3. That religious, by virtue of their pontifical privileges, can rightly be ordained outside of the prescribed times with the permission of their superiors, as stated in the treatise on Privileges, paragraphs 115 and 116. However, they should be ordained on a feast day of precept, as it is more probable (Book 6, paragraph 797, Question 4). Note 4. That if someone were to receive the priesthood, omitting the diaconate, he would indeed be validly ordained, but he would not be able to exercise the office of the priesthood unless he first received the diaconate, as is stated in the first chapter on clerics, by salt. But if someone were to receive the episcopacy without having received the priesthood, he would be invalidly ordained.

45. X. A proper place of ordination is required, namely, that it be performed in a church, and that the Bishop reside in his own diocese: for if a Bishop were to ordain in a foreign diocese, he himself would incur suspension from pontifical functions, and the one ordained would be deprived of the exercise of the order received (loc. cit., paragraph 798, addition).

XI. A proper age is required, which for the first tonsure must be at least seven years, and in Naples, at least ten. The minor orders can regularly be conferred from the age of 7 to 14. The subdiaconate at the age of 22. The diaconate at the age of 25. The priesthood at the age of 25, according to the Council of Trent, Session 25, Chapter 12. Age is computed, not from the day of baptism, but from the date of birth. However, it is sufficient that the year has begun, as common usage holds. For the reception of simple benefices, the age of 14 is sufficient, according to the Council of Trent, Session 25, Chapter 6. But if the benefice is a cure, the age of 25 is required,

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according to the same Council, ibid., Chapter 12. For a canonry, the age of 22 is required, according to the Council of Trent, Session 22, Chapter 4. Although for collegiate churches, the age of 14 is sufficient. Finally, for the episcopacy, the age of 30 is required (see Book 6, paragraph 799).

[*Latin ed. p. 222*]

44. — It must be noted that if anyone is knowingly ordained before the legitimate age, he thereby incurs a perpetual suspension, from which he cannot be absolved except by the Pope, or by a Bishop, if the matter was concealed, according to the decree *Liceat*, Session 24 of the Council of Trent, canon 6 (cited in n. 799). We have said "knowingly," because Pope Pius II imposed this suspension only on those who are ordained in this manner out of recklessness; therefore, crass ignorance is more likely to excuse them from it, so that when they reach the proper age, they will be able to exercise the order (Ibid., Dub. 1 and 5). But does someone who receives the priesthood before the proper age incur an irregularity? Some affirm that he does, because (as they say) a newly ordained priest, by concelebrating with a Bishop, truly consecrates; and therefore, he is already exercising the order he has received, albeit under suspension. But others, more commonly and with strong probability, deny this, because it does not seem just that someone should incur a double penalty for the same moral action, namely suspension and irregularity; and Suarez states that those ordained in this manner are not considered irregular. The same must be said of deacons and subdeacons: unless they are already exercising the order they have received in the same Mass of ordination, because then they do not avoid an irregularity, at least if they offer themselves deliberately to cause harm in the Mass of ordination (Ibid., n. 799, Dub. 3).

45. — XII. In order to be initiated into a higher order, it is required that one has exercised the order previously received; but, according to Salmeron (De Ordin., chap. 4, n. 74), this is not a matter of grave necessity. XIII. Finally, divine vocation is required, as the Apostle says: "Neither doth any man take the honour to himself, but he that is called by God, as Aaron was." Hebrews 5:4. The signs of divine vocation are: 1. Suitable knowledge. 2. A right intention of dedicating oneself to God and to the salvation of souls. 3. A virtuous life, which is most necessary for recognizing a true vocation, as stated by the Council of Trent: "Bishops must know that only those must be admitted to these orders who are worthy, and whose lives have been proven by old age." Session 25, canon 42. And as St. Thomas teaches (Supp., q. 55, art. 1, ad 3), saying: "Not any kind of goodness suffices, but an excellent goodness is required; giving this reason: Just as those who receive the order are established over the people, so too must the higher ranks be worthy through sanctity." Therefore, if someone ascends to the altar without these signs, and consequently without divine vocation, he cannot be excused from a grave fault; then, because of a

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grave...

[*Latin ed. p. 223*]

He who, without being called to the sacred ministry, intrudes himself into it, as Saint Anselm says: "For he who intrudes, and seeks his own glory, commits a theft of the grace of God; and therefore he does not receive a blessing, but a curse." And therefore, due to the great danger of damnation to which he exposes himself, as the Bishop Abelly wisely says: "He who, knowing that he does not possess any divine vocation, would intrude himself into the priesthood, undoubtedly throws himself into open peril of salvation." And the bishops sin gravely who admit such men to the orders, transgressing that precept of the Apostle: "Impose not hands lightly upon any man, neither be partaker of other men's sins. Keep thyself chaste." 1 Timothy 5:22. These words, explaining Saint Leo, in his Epistle 1 (also 87) to Africa, 2, says: "What is it to be partaker of other men's sins, unless it is to ordain one who is not worthy to be ordained?" Therefore, in the decree *Nullus*, Dist. 24, it is universally prescribed to the bishops: "No one shall be ordained unless he has been proven." 46. It is fitting here to note together who, from the aforementioned, incur suspension by the very fact of their ordination. They incur it: 1. Those who are ordained without the permission of their Ordinary, or without the testimonial letters of the same, when they are ordained by a bishop of a benefice. 2. Those who receive two sacred orders on the same day. 3. Those who are ordained outside of the proper times. 4. Those who are ordained by a bishop remaining in a foreign diocese, without the permission of the local bishop. 5. Those who are knowingly ordained before the legitimate age. 6. Those who are ordained by skipping the preceding order. Finally, those who are ordained through simony; for he remains suspended from the order received through simony, and is prevented from ascending to higher orders; however, this does not apply if the simony was committed by another, unknown to the ordained person (See l. 4, n. 109).

CHAPTER III. OF ORDERS IN GENERAL.

ARTICLE I. Of the First Tonsure.

What is the first tonsure? And is it an order? What if someone is ordained without tonsure? 47. Privileges of the tonsured. 48. Of the obligation of wearing the tonsura.

[*Latin ed. p. 224*]

47. — The Tonsure is not an order, but a preparation, or disposition for the orders, since it has no function concerning the ministry at the altar; thus, the theologians generally agree with St. Thomas (Supp. q. 40, art. 2), and it is proven from the Council of Trent, session 25, chapter 2, where

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the reception of the Tonsure is prescribed, and it is said: "That those who had already received the clerical Tonsure might ascend from the lesser to the greater orders." Therefore, the Tonsure is considered the least among the orders (see l. 6, n. 754). A cleric signifies one who is called by lot, that is, to render service to God. His hair is cut in the manner of a crown, to signify the royal dignity of those who are called by the Lord. The Roman Catechism states that St. Peter instituted the Tonsure. To be able to receive the Tonsure, it is required that one be: 1. a male; 2. confirmed; 3. able to read and write, and at least know grammar, besides the fundamentals of the faith; 4. have a desire to serve God. He who is ordained without the Tonsure sins gravely against the decree of Trent, but is validly ordained; however, he remains suspended until the pleasure of the Bishop. But he who has already received some order without the first Tonsure is not obliged to receive it afterwards, because by the order received, he has already become suitable for receiving other orders.

48. — The effects and privileges of the Tonsured are these: I. The Tonsured is transferred to the clerical state, from which he acquires the privilege of the forum, by which he is exempted from the jurisdiction of the lay forum, provided he wears the habit and the Tonsure, and serves some Church by the mandate of the Bishop, or is in a seminary, or in some school with the permission of the Bishop, as is stated in the Council of Trent, session 25, chapter 6. II. He also acquires the privilege of the canon, so that those who strike him injuriously incur a reserved excommunication, if the striking is grievous, by the Pope; to the Bishop, if it is slight. III. The Tonsured becomes capable of receiving an ecclesiastical benefice, provided he is 14 years old. IV. He also becomes capable of all ecclesiastical jurisdiction for conferring benefices, imposing censures, and judging spiritual causes.

49. — The question here is: How do clerics sin, and what penalties do they incur, by not wearing the habit or the Tonsure? And when are they deprived of the privilege of the forum and the canon because of this? Clerics in minor...

[*Latin ed. p. 225*]

It is commonly held by Doctors that clerics, if they do not wear the habit and tonsure, do not sin gravely; indeed, commonly Soto, Navarrus, Arminius, Castrop, Escobar, Holzmüller, etc., excuse them from all guilt, according to the bull *Pastoralis* of Sixtus V, dated January 31, 1588. For therein, clerics are held to be obligated to wear the habit only if they receive a pension, or other ecclesiastical goods, exceeding the value of 60 gold coins per year from the *Cummer*. However, clerics who are beneficed, or who are established in sacred duties, do indeed sin gravely if they lay aside the habit, as commonly taught by Sanchez, Laym, Castrop, Bonaventure, Salmeron, etc. (whatever Cajetan, Escobar, and Gobat may say), since in the Council of Trent, session 14, chapter 6, those who do not wear the

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habit are accused of temerity. However, it is very probable that all the aforementioned Doctors deny that they sin if they lay aside the habit for a short time, or for a just cause, such as to avoid some grave harm, with regard to guilt; but concerning penalties, it is said in the aforementioned Council: "If, after having been warned by their Bishop..., they have not put on the honest clerical habit..., they ought to be compelled by suspension from orders and office, and from benefice and its fruits..., and also, if, after having been corrected once, they again commit this fault, even by deprivation of offices and benefices..." From this it is clear that these penalties are only to be imposed by sentence. This does not contradict the bull *Cum Sacrosancta* of Sixtus V, issued on January 9, 1588, in which it is declared that beneficed clerics who do not wear the habit are, by law, deprived of their benefices; for this provision was made only for the city of Rome, and after they have not obeyed the mandates within a certain time (Lib. 6, n. 825).

The same is said by Sanchez, Laym, Escobar, and others, concerning the tonsure, or crown. However, others, such as Castrop, Henricus, Renzius, and Tamburrini with Marchinus, do not dare to condemn even clerics who are in sacred duties, or who are beneficed, as guilty of mortal sin, unless they omit the tonsure out of contempt. Furthermore, La Croix rightly says that those who do not wear the tonsure are more easily excused than those who do not wear the habit; therefore, the aforementioned author does not condemn a priest who has not worn the tonsure for 6 or 8 weeks as guilty of mortal sin (loc. cit., n. 826).

Beneficed clerics, as well as those who are established in sacred duties, are deprived of the habit, by the privilege of both law and canon, if they do not resume it after the third warning, according to chapter 45 of the *Contingentia*, concerning excommunication (loc. cit., Tom. IX).

[*Latin ed. p. 226*]

(n. 827). Those who are simply tonsured, or who are promoted to the lesser orders as clerics without a benefice, do not commit a grave sin, but they do not enjoy the privilege of the forum, if they do not actually wear the habit, nor do they serve the Church, as is stated in the Council of Trent, Session 25, chapter 6. However, they always enjoy this privilege and may resume the habit, unless they do so fraudulently, for example, if they have already been imprisoned for criminal offenses, or if they have already been summoned to the civil court for civil matters (cf. the cited passage, n. 827). Otherwise, the Doctors of Canon Law say otherwise regarding this privilege (ibid.). But does one sin who receives the tonsure in order to obtain a benefice, without the intention of remaining in the clerical state? See our moral work (book 5, n. 115), where it is stated that the recipient sins, but probably only venially. It is pertinent to note what is stipulated in the year 1741 in the Concordat between the Holy See and Charles III, King of the

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kingdoms of Naples and Sicily, concerning the promotion of individuals to the ecclesiastical state. I. From now on, no one shall be promoted to the first tonsure unless it is for the title of a benefice, or a perpetual chaplaincy, the revenues of which, after deducting expenses, amount to at least half of the tax established for the sacred patrimony in the diocese of the person being promoted: II. If a Bishop judges that someone is truly useful or necessary to the Church, he may confer the first tonsure upon a young man, even if he has no benefice, but only in the case that he has a perpetual ecclesiastical pension of a revenue that amounts to at least half of the tax established for the sacred patrimony in his diocese, or the entire patrimony; which, in order to avoid any fraud or deception, shall henceforth be established only on stable property, or on fixed annual revenues; and it shall be regulated according to the synodal tax of each diocese, provided that it is neither less than twenty-four ducats, nor more than forty. III. In addition to the requirement of a benefice, perpetual chaplaincy, or perpetual ecclesiastical pension, or the entire patrimony, no one shall be conferred the first tonsure who, after completing ten years of age, has not resided for at least three years in some seminary or ecclesiastical college: and if this cannot be done, he must at least have worn the clerical habit for three years with the permission of his Ordinary, and throughout the three years, or at least for the majority of the time, on feast days.

[*Latin ed. p. 227*]

Of the precept for each of the three years, he shall not have served in any church in the manner prescribed by his own Bishop; considering this service as equivalent to the time he would have spent in some seminary or ecclesiastical residence, etc. Finally, it is stated: Whoever shall be promoted to the first Tonsure, to the minor Orders, or to the sacred Orders contrary to the form prescribed in this regulation, in addition to the penalties mentioned above, shall be perpetually suspended from the exercise of the Order already conferred upon him. And whoever shall have so ordained him, or shall have granted him, for this purpose, the necessary permissions, if he is a Bishop, shall be suspended for one year from the conferral of Orders and from the exercise of the Pontificals; and if he is not a Bishop, but an inferior Prelate with the use of the Pontificals, he shall be suspended forever from the exercise of the same; and if he does not have the use of them, as well as any other person constituted in dignity, he shall be suspended forever from the exercise of the Office and of his Orders. (1). ARTICLE II. Concerning the Minor Orders. How many are the minor orders. 52. Section I. Concerning the Ostiariate. The matter must be provided by the one who ordains; and the Mass must be celebrated by him. 53. Section II. Concerning the Lectorate. 54. Section III. Concerning the Exorcistate. 55. Section IV. Concerning the Acolyte. 56. 52. — There are four minor Orders: the Ostiariate, the Lectorate, the Exorcistate, and the Acolyte. These are called

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minor because of the lesser offices which are exercised by those who are ordained, concerning the Mass, or in the Church. Section I. Concerning the Ostiariate. 53. — The Ostiariate is an order by which the power is conferred to open, close, and guard the church. The office of the doorkeeper (besides those mentioned) is also to ring the bells, and to admit.

[*Latin ed. p. 228*]

To admit those worthy into the Church, and to exclude the unworthy, namely, the unbelievers, heretics, and excommunicated. The remote matter of the diaconate are the keys of the Church; the proximate matter is the handing over of the keys. The form consists of the words of the ordaining minister, and he says: "Act thus, as if you were about to give an account for those things which are opened by these keys." Thus, they hand over [the keys], and the Fathers who hold the seven orders are considered to have sacraments. The keys must be proper to the Church, and they cannot be substituted by others; they must be touched by the one being ordained. Here again, note what was mentioned in number 28, namely, that in the sacrament of orders, the matter must be entirely handed over by the ordaining minister himself; otherwise, the sacrament is administered invalidly, and the Mass must be celebrated by the same [minister] (Lib. 6, n. 744).

Section II. Concerning the Lectorate.

54. — THE LECTORATE is an order by which the power to read the sacred Scriptures in the Church is conferred. The remote matter is the book of prophecies and epistles; the proximate matter is the handing over of that book. The form consists of the words: "Receive, and be a herald of the word of God, etc." Therefore, the office of the lector is to read the sacred Scriptures (understand this outside of the Mass, for in the Mass, the office belongs to the subdeacon), and also to instruct the catechumens. If, in place of the book of epistles or the lectionary, the Bible, or the Breviary, were handed over, the ordination would be valid, and also licit; otherwise, if another book were used.

Section III. Concerning the Exorcistate.

55. — THE EXORCISTATE is an order by which the power is given to expel demons from the possessed, lest they hinder them from receiving Communion. The remote matter is the book of exorcisms; the proximate matter is the handing over of that book. The form is: "Receive, and have the power to lay hands upon the possessed, etc." An exorcism is a certain formula instituted by the Church to drive away demons in the name of Jesus Christ. In order for an exorcist to solemnly perform an exorcism, the granting of jurisdiction, or a license from the Bishop, is also required. However, this is not required by common law, but by a particular precept of the Bishops, prohibiting the performance of exorcisms without their license

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(l.c., n. 745). It is solemnly said, that each and every faithful...

[*Latin ed. p. 229*]

It is possible privately to command demons, so that they may not harm, nor hinder the faithful from sacred actions (See book 4, paragraph 193, Appendix on Adjurations).

SECTION IV. Concerning the Acolyte.

56. — The acolyte is an order by which power is given to carry the cruets to the altar, and to light the candles and lamps upon it. The remote matter consists of empty cruets; the immediate matter is their delivery. The formula: "Receive the cruets, etc.," and: "Receive the cruets, etc." Both matters are essential, but the cruets are more noble, because wine and water are more necessary for the Mass. These, however, are partial matters, constituting one complete matter. The character, however, is imprinted not on the candlestick, but on the delivery of the cruets, because in this the principal power is delivered (Book 6, paragraph 745).

ARTICLE III. Concerning the Major Orders.

SECTION I. Concerning the Subdiaconate.

What is the subdiaconate? Matter, form, and office. If without a stole, etc.

57. Requirements.

58. § I. Concerning the vow of chastity; and whether chastity is from a vow? If anyone is ignorant, etc. If a minor, etc. He who is ordained out of fear, etc.

59. § II. Concerning the canonical hours, condemned propositions.

60. Who are bound to the hours? I. Clerics in the sacred office. II. Religious who have made profession. III. Beneficiaries.

61. To whom must restitution of fruits be made?

62. If they have other obligations.

63. Are they excommunicated, etc.? And those who, without internal attention, etc.

64. Within the first six months. He who omits without guilt. Is it one sin, etc.?

65. He who does not perceive the fruits, etc.

66. If the benefice is small.

67. Is he who misuses it, etc.? A canon who does not chant.

68. What small matter, etc.? Is it permissible to throw the Breviary? In doubt as to whether something has been omitted.

69. What is required for the canonical hours to be said properly? I. According to the prescription. If you change the office. 70. If you continue with something else. 71. If you realize you have made a mistake. Concerning the reading and the office for the dead.

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72. II. Vocal pronunciation. What is done in the choir.
73. III. Complete pronunciation.
74. IV. Continuous pronunciation.
75. V. The order of the hours.
76. VI. Time.
77. Intention and attention.
78. Causes excusing from recitation.

[*Latin ed. p. 230*]

§. III. Concerning censures in general. 77 to 80. §. IV. Concerning censures in particular, and I. Of excommunication. 81 to 83. II. Of suspension. 84. III. Of deposition, etc. 83. IV. Of interdict. 86. V. Of irregularity. 87. Irregularities from fault. 88. Irregularities from defect. 89. 37. — The SUBDIACONATE is an order, by which power is conferred, through which the ordained person can carry the chalice to the altar, minister to a deacon, and read the epistle at Mass. The remote matter is twofold, namely, an empty chalice with an empty paten, as well as a book of epistles. The proximate matter is the delivery of these. The chalice, however, should probably be consecrated, as many Doctors hold; therefore, their opinion should be followed in practice (Lib. 6, n. 747). Thus, also, the delivery of the book of epistles is absolutely required (l.c., n. 746, Dub. 1). The form is the words of the Bishop: "See whose ministry is being entrusted to you, etc." And another: "Receive the book of epistles, and have the power to read them, etc." Since two matters are used, a partial form is employed. The office of the subdeacon (besides those mentioned at the altar) is to carry the cross and to wash the corporal. The subdeacon would sin if he ministered solemnly at Mass without a stole, unless necessity demanded it, as Father Suarès says (De Censur., disp. 42). But does the subdeacon sin gravely if he ministers in a mortal illness? See the words above, n. 14. A cleric (or even a subdeacon) exercising the office of subdeacon without a stole, or with a stole, but not intending to perform that action as part of his office, does not incur an irregularity; because then (as Bonacours says), he is exercising only the office of a singer. Otherwise, if he intended to exercise the proper office of a subdeacon with a stole (See l. 7, n. 358). 58. — In order for someone to be promoted to the subdiaconate, it is required that 1. he be ordained in the minor orders. 2. He be 21 years of age. 3. He have a title of support (about which see the words above, n. 57, to 39). 4. That he know well what pertains to his office. 5. An examination, which should indeed be more rigorous in the case of subdeacons, as Homobonus rightly observes (Pænitentiarius in Ecclesia Bononensis), and especially concerning the obligations of the subdeacon, namely, to observe chastity, to recite the Divine Office, to have a title of support; moreover, subdeacons should be examined concerning censures and irregularities, of which we

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will briefly list the principal and most important elements below.

[*Latin ed. p. 231*]

§. I. Concerning the Vow of Chastity. 59. — The SUBDIACON, by order of St. GREGORY the Pope, in chapter 2, section 28, is bound to make a vow of chastity. Therefore, the obligation of chastity for those who are ordained is more strongly based on the force of the vow attached to the orders, than on the precept of the Church, as is sufficiently clear from chapter "Cum olim, de cler. conjug." However, if someone, upon receiving the order, explicitly refused to vow chastity, then that person would at least be bound by the precept of the Church to observe chastity. This must also be said, even if he were unaware of this obligation, provided he genuinely desired to receive the order: and even if he were innocently unaware, as many learned doctors teach (See book 6, number 809, questions 1 and 2). But he who is ordained before the use of reason is not bound to chastity. And as for he who is ordained before puberty, is he bound to chastity? There are two opinions on this matter, both of which are probable (Ibid., number 810). He who is ordained through an unjust and external fear, and does not have the intention of receiving the order, is not bound to chastity, and even if he did have the intention, it is more probable that he would not be bound, because a vow made under fear is probably invalid; otherwise, if the fear were justly induced, or if the ordained person knowingly ratified his ordination, that is, if he voluntarily exercised the order (Ibid., number 811).

§. II. Concerning the Canonical Hours. 60. — First of all, it is necessary here to mention several propositions condemned by ALEXANDER VII, namely proposition 5, which stated: "Restitution of fruits is not due before a sentence." Proposition 21: "He who has a benefice, if he is free by study, satisfies the obligation by reciting through another." Proposition 53: "Restitution of fruits is satisfied by an election previously made." Proposition 34: "It suffices to say the Paschal Office for the Office of the Day of Palms." Proposition 55: "One Office can satisfy the obligation of two days." Also, Innocent XI condemned proposition 54: "He who cannot recite Matins is not bound to the other hours."

61. — Question I. Who are bound to the hours? The following are bound: 1. All who are ordained in the sacred orders, even if they are excommunicated, suspended, or degraded. But the one ordained to the subdiaconate is bound to the hour corresponding to the hour of his ordination on the day of ordination.

[*Latin ed. p. 232*]

I. Religious men and women of both sexes are bound to recite the Divine Office. This is derived from ancient custom, which is binding under a grave penalty, as the common opinion holds against some. It is not valid to say that it is uncertain whether the custom of reciting the Office was introduced

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by religious, with the intention of obliging themselves with a grave obligation; for it is answered that, since this custom has been constantly observed by all religious, and for a long time with great diligence, the presumption is in favor of the affirmative. For, as the general rule states, the presumption is on the side where the facts are. (See book 5, chapter 142). However, no religious, nor cloistered religious, are bound to recite the hours in choir, as commonly say Suarez, Salm, and the Council, provided that the choir is not disturbed, for which at least four voices are required. However, those who have been expelled from the religious order are not bound to recite the Office; but those who have fled are bound (Ibid., doubts 1 and 2).

II. Beneficiaries are bound. Otherwise, all the fruits of the benefice must be restored, according to the Council of Lateran V, section 9, paragraph: "We decree that whoever holds a benefice, if after six months from receiving the benefice, he does not recite the Divine Office, he shall not receive the fruits thereof in proportion to his recitation. And if such a person, after a warning, still persists in omitting it, he may also be deprived of the benefice." Then, Saint Pius V, in Constitution 186, which begins, "From the recent Lateran Council," decreed that he who omits Matins shall restore half of the fruits corresponding to that day; he who omits the other hours, the other half; and he who omits only one of the smaller hours, one-sixth (See book 4, chapter 665). And the same is to be said if someone, through several minor omissions, reaches a grave matter within the Office of the day (loc. cit., chapter 668). But he who today wishes to make up for the Office omitted yesterday is by no means released from restitution (loc. cit., chapter 667), and this restitution is due before any judgment, because the condition of recitation is absolutely necessary for receiving the fruits, since without it, the beneficiary cannot receive the fruits of his benefice, as the aforementioned Council has decreed (loc. cit., chapter 665, and book 5, chapter 145, question 1, verse: "But someone will say").

62. — However, the restitution must be made either to the poor (of any place), or to the fabric of the Church, or to the house of the benefice, or to the increase of the lands themselves. It can also be applied to the restoration of another needy church, if its own does not need it, or if the fabric of another church would benefit the poor. It can also be applied to Masses for the dead.

[*Latin ed. p. 233*]

It is understood that, if he is truly poor, he may apply it to himself, provided he does not do so fraudulently; Suarez, Castres, Navarrus, Tollet, Lessius, etc., *Comm.* (Lib. 4, n. 672). If, however, someone gives alms after the omission, either forgetfully or perhaps unaware of the obligation of restitution, it is probable that he may count them, as say Sanchez, Suarez, Lugat, Salm, Croix, etc. (Lib. 4, n. 700, Quest. I, ad vers. Limitant.). 63. — It is also probable, according to Soto, Lessius, Vasquez, Bonaventure,

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Sanchez, Salmanticensis, etc., that if a beneficiary has other obligations which he has already fulfilled, he is not obliged to restore all the fruits. However, this is not to be said (whatever others may say) of a simple beneficiary, who has no other obligation than to wear the habit (Lib. 4, n. 675, Quest. 10.). 64. — But is a tolerated excommunicate obliged, before sentence, to restore the fruits of the benefice, if he has fulfilled its obligations? Some affirm it, but it is more probable and commonly held that others deny it, as is said in *Homo Apostolicus*, Tract. 19, n. 19, at the end (1), because the guilty party is not obliged to undergo that penalty, which requires action, except after sentence; on the other hand, tolerated excommunicates validly administer the sacraments and perform their offices; thus, Laym, Tournhem, Castropalus, Salm, Bonacini, Coninchon, and others (Lib. 4, n. 670). Thus, also, it is probable that he is not obliged to make restitution who recites [the Divine Office] without internal attention; because, as is said in n. 75, the opinion is that it is sufficient to satisfy, if the intention is present, and the external attention is not improbable. (Lib. 4, n. 669, and Lib. 5, n. 177). 65. — Furthermore, it should be noted that St. Pius declared in the aforementioned Constitution that beneficiaries, if they neglect their office within the first six months, although they are not obliged to make restitution, are nevertheless not excused from mortal sin (See Lib. 4, n. 665). It must, however, be said that beneficiaries, even if they wished to restore the fruits at that time, gravely sin by neglecting their office, since the Church has, for the sake of religion, at any time, bound them to this office (Lib. 5, n. 145, Quest. II.).

(1) In the cited words: "It should be noted that he who was excommunicated after receiving the benefice is not obliged to restore the fruits of the benefice before the judge's sentence, whenever he himself or others have fulfilled the obligations: thus it is more probable... from the general reason that penalties which require some action always require a sentence, at least a declaratory one."

[*Latin ed. p. 234*]

Therefore, he sins who, within six months (as has been said), neglects his office, but he is not bound to restitution, as Lessius, Vasquez, Concil. Vivarus, and the more common opinion teach (contrary to a few). The reason is that, according to the common opinion, restitution of the fruits is not yet due by natural law; for the fruits are not given as a reward for the recitation of the office, but for the support of the beneficiary, with the burden of the office, imposed by the Church (as we have said) for the sake of religion; and therefore, before the Council of Lateran, no restitution was commanded. However, the Council commands restitution only to those who neglect the office after six months (Lib. 4, n. 665 and 666). For the same reason, he is not bound to restitution who neglects the recitation of the office without fault: for, although (as has been said, n. 61, at the

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end), restitution is to be made before any judgment, nevertheless, since it is imposed as a penalty, it absolutely requires fault, as Lessius, Sanchez, Concil. Vivarus, and others more commonly say, contrary to a few (loc. cit. n. 665). Likewise, for the same reason, a subdeacon holding a benefice, if he neglects the office, commits only one sin, since he is bound to it for one reason, namely, religion (Lib. 5, n. 145, Qu. I. 66).

— Doubt 1: Is the beneficiary bound to the office if he does not receive the fruits? Certainly not, if he has not negligently acted in demanding them. Except, unless he has been justly deprived of the fruits as a penalty for some crime; or unless he has a certain hope of receiving them in the following years (Lib. 4, n. 664).

What if the matter concerns a lawsuit regarding the benefice? Answer: If the beneficiary has not yet received possession of the benefice, he is not bound to the office, unless it is clear that he will immediately acquire possession. But if he has already received it, he is bound in the case where he has a certain hope of winning the lawsuit, otherwise if it is in doubt (loc. cit. n. 664, v. Quid si).

— Doubt 2: Is the one holding a precarious benefice bound to the office? Some affirm; but others, more numerous, deny it, as Lessius, Sanchez, Malder, Arrag, Rodriq, Molfes, Pelliz, and others; because a precarious benefice, according to c. *Is cui*, concerning prebends, is not considered a true benefice. They say that a benefice is precarious which does not amount to a third part of the sustenance (Lib. 4, n. 674).

— Doubt 3: Is the beneficiary bound to restitution if he misuses the fruits of the benefice? Many grave Doctors probably deny it, as St. Antoninus, Lessius, Cabass, Sanchez, Salm, and others, with St. Thomas (2-2, q. 285, art. 7), who says concerning prebends:

[*Latin ed. p. 235*]

They are considered as belonging to the patrimony. However, it is more probable, as Laym, Bonac, Navarr, Petrocor, and the Council, among others, affirm, that beneficiaries are bound by justice to distribute the surplus fruits to the poor, or to pious institutions, because the Church does not grant them dominion over the fruits, except to the extent necessary for distributing the surplus to the poor (Book 4, n. 492). It must be carefully noted that the Supreme Pontiff Benedict XIV, in a Brief addressed to Cardinal Delphin, Patriarch of Aquileia, issued on January 19, 1748, declared that canons who do not participate in the choir, or who do not sing there, not only lose their daily distributions, but are also held liable for the restitution of the fruits of their prebends (Book 4, n. 675, Dub. 3).

69. — Question II. What is the extent of the obligation? It is certainly a grave sin to omit a notable part of the office. Moreover, the omission of a small amount of a lesser part is considered less serious than the omission

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of a small hour (Book 5, n. 147). However, he who omits all seven hours, as Lessius, Sanchez, the Council of Tournai, and the common opinion state, commits only one sin, because all the hours constitute the complete office (Book 5, n. 148). He who would cast the office into the sea would commit as many sins as there are days of omission he foresees; because each omission of the office, pertaining to a particular day, is a separate transgression, and by foreseeing them, he would sin in the cause (Ibid., n. 149).

Is it necessary to repeat something that is omitted from the office, if there is doubt as to whether it was omitted or not? It should be repeated in a negative doubt, that is, if you have no prudent reason to believe it was not omitted, as stated above; otherwise, if the doubt is positive, namely, if you reasonably believe that you have said it; thus, Navarr, Sanchez, Lugo, Tournai, Castr, Salm, and Ronc, among others, generally hold (See Book 5, n. 150).

70. — Question III. What is required for the hours to be recited properly? It is required that they be recited according to the prescriptions of the Roman Breviary. Therefore, I consider the opinion of those who say that one does not commit a mortal sin by significantly shortening the office to be improbable (Book 5, n. 160). However, is it mortal to change it to something of equal length, or something nearly equal? There is a double opinion on this matter. However, it seems more reasonable to say, with Sporer, Roncag, Viva, Laym, Elbel, etc., that it is mortal if the change is frequent; venial if it is rare, such as three or four times (1).

(1) See the note at Book 1, n. 29.

[*Latin ed. p. 236*]

In the year; and none, if it should ever happen, for some reason, such as a journey, study, etc. The reason is that, although the Office is to be recited according to the individual form of the Breviary, as Saint Pius V commands in the bull *A nobis*, described in the Breviary, saying: "No one shall be excused except by this sole form"; nevertheless, it is probable that the Pope, in prescribing this form, considered more the substantial form, which is the quantity of the Office, than the accidental form, namely, its quality; and therefore, the change does not seem to exceed a venial sin. However, to do this frequently would be a mortal sin, because (as Laym rightly says), it would be a perversion of order; and it would be a serious matter if it were frequent (Lib. 5, n. 161, v. Qu. III). 71. – With these things established, it is probable that:

I. If you continue elsewhere, you can recite the Office of that place, unless you are a religious, because you are then bound to recite the Office of the Breviary of your order; thus Laym, Holzm, Bonac, Castrop, and others.

II. That chaplains, and those who are commensals of Cardinals, and Bishops, can conform to them in the Office: Holzm, with the common and

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decree of the Sacred Congregation of Rites, and Clem. *Dignum*, concerning the celebration of Mass. And the same is said by the Doctors Croix, Holzm, Gob, Stoz, etc., concerning chaplains of nuns, and of those who perform spiritual exercises among religious, Laym, and Gob.

III. That you can recite the Office of a companion; because the association itself excuses [you], provided that the Office is not notably shorter, Viva, Ronc, Henriq, Quintanad, and others (Lib. 5, said n. 161, verse *Juxta autem*). 72. – If someone realizes that he has erred, after having proceeded far in an improper Office, he can either continue, or recite the remainder of his own; but it will be better to recite his own; unless he wishes to say the Office of that Saint on another day, without impediment; which several Doctors admit with good reason (l. cit. n. 161, Qu. V.). By established custom, there is a serious obligation to recite the Litany of Saint Mark, the Rogations, and the Office for the Dead, even in private (Lib. 5, n. 161, Qu. I and II). 73. – Requir. II. Pronunciation of the words. Here, it is doubted whether the one reciting should hear himself? Some affirm, but others, not improbably, deny, as the most learned Sylvius, Tourn, Laym, Azor, Spor, Salm, Trull, Rod, and others, because in the recitation of the Office, hearing is not commanded, but pronunciation; to which it is not necessary to raise the voice, but it suffices to form some external...

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Whether the sound, which is always present, when words are uttered (lib. 5, n. 163). Reciting reverently in the choir suffices for fulfilling the duty (ibid., see: "But does it?"). However, it does not suffice for a canon, who is obligated to sing, according to what is stated in n. 68 at the end. For one who recites in the choir, it suffices if one hears the other part indistinctly, or even only one part of it. What if one does not sufficiently perceive the other part, due to the fault of the choir or a fellow member? Some say that it is necessary to repeat what was not heard. Others deny this, because through the very association, and your participation in it, you are already morally united; thus, it is not improbable that St. Augustine, St. Thomas, Roncaglia, Elbel, Salm, Pellizzari, Trull, and others (lib. 5, n. 163, Q. II) hold this view. However, a deaf person does not fulfill the duty, whatever others may say. Conversely, something different must be said about a deaf-mute, if he hears at least indistinctly (l.c., n. 163, Q. III).

74. — III. Complete pronunciation, that is, without mutilation, whereby the meaning of the words is notably altered. However, the duty is fulfilled if at least the meaning of the words is preserved (l.c., n. 163).

IV. Continuous pronunciation, that is, without interruption at any hour, but an interruption that incurs a venial sin, unless some cause excuses it (n. 166). However, Matins can also be separated from Lauds without cause, and likewise the three Nocturns, at least for three hours (l.c., n. 167). However, if an interruption occurs, and it is culpable, it is more probable

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that one must repeat the hour, since each verse of the Psalms has its own meaning (l.c., n. 168).

V. Order of the Hours, that is, that it not be inverted. However, the inversion will be only venial, even if it is done frequently; and even in the choir, as is more probable, according to Cajetan, Gavant, Laym, Sanch, Bonac, etc. (l.c., n. 170 and 171). However, celebrating Mass before Matins is more probable and commonly considered only venial, according to Lessius, Castrop, the Council of Tournai, Soto, Tolet, Bellarmine, Croix, Salm, and many others (see l. 6, n. 547).

VI. Prescribed Time. The time for Matins begins from the hour of Vespers of the preceding day until noon of the following day (l. 5, n. 174). And it is probable that this also applies to the Office for the Dead, except within the choir (ibid., Q. II). And on this matter, there is also a decree of the Sacred Congregation of Rites, found in the Bibliotheca of Ferraris, under the word "Litaniae." However, this does not apply to the Litanies (ibid., Q. III). Does one fulfill the duty by reciting Matins at the second hour after noon? Some affirm this, as do Salm, with Sanch, Trull, etc., saying that this is permitted today by custom.

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It is, however, more accurately to deny this, following Holz, Croix, and the Council, because at that time, the hour of Vespers has not yet begun, which is the middle point between midday and sunset; for the ecclesiastical day does not begin until the hour of Vespers. Although it is true that the custom has been widely introduced among the faithful to recite Matins at the second hour after midday, as stated in the discussion of custom (Book 1, chapter 107 and following), this would need to be demonstrated; but as yet, it has not been proven, and the contrary law holds (Book 5, chapter 174, Question 1); furthermore, the hours begin from midnight to midday: Vespers and Compline from midday to midnight (Book 5, chapter 173, see "Tempus").

75. — VII. Intention and attention. A virtual intention (namely, to recite) is required; this is sufficient if, from the beginning, one takes up the Breviary for the purpose of reciting. However, most commonly, and more probably according to Suarez, Castrop, Less, Tournhem, Pontius, Vasquez, and Croix, along with others, intention to fulfill the obligation is not required; indeed, the one who recites fulfills the obligation, even if he positively intends not to fulfill it, because he fulfills, and cannot but fulfill, since the fulfillment does not depend on his own will, but on the will of the law, or of the Church (loc. cit. chapter 176).

Furthermore, external attention is required, namely, that no action incompatible with internal attention be performed. But is internal attention also required? Some affirm that internal attention is required, whether it be directed towards God, or towards the meaning, or at least towards the

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words, namely, that they be pronounced correctly; otherwise, they say, it would not be prayer. Others, however, and many, deny this, saying that true prayer is that which is made with the intention of praying, and with external attention: thus Lugat, Paludanus, Coninck, Angelus, Sylvaticus, Croix, and many others, along with St. Antoninus, from *Doctor Thomae*. The words of St. Antoninus are: "But if the distraction is deliberate, and only according to the internal act, although it would be rash and grave, it would not nevertheless be mortal, unless through contempt, because the Church does not have the power to judge of purely internal acts; therefore, a minister of the Church, even if, while saying a prayer, he thinks of something else, does not seem to transgress the precept by the nature of the act." St. Antoninus, 3rd part, title 13, chapter 4.

The words of St. Thomas are: "When someone, out of intention, distracts his mind to other things while praying; then he is not without fault: especially if he spontaneously occupies himself with things that distract the mind, such as external works, and if, to the contrary, the mind is diverted, then it will also be a mortal sin." In 4th Sentences, distinction 15, question 4.

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art. 2. solut. 4. ad. 2. Therefore, according to D. Th., internal distraction is not without fault, namely a venial fault, while external distraction is not without a mortal fault; and thus, St. Antoninus understands it, saying: "Hence, St. Thomas says that in prayer, if someone occupies himself with other things that distract the mind, such as external works, it will even be a mortal sin." In the cited passage. The reason for this statement is that, if internal attention were of the essence of prayer, the minister administering Extreme Unction without internal attention would administer it invalidly, since the form of this sacrament is a supplication, "May God have mercy on you," etc., from the words of St. James: "Pray over him, anointing him..." (James 5:14). But this cannot be said, since it is clear from Florentino that for the validity of the sacrament, only three things are required and are sufficient, namely, the matter, the form, or the words spoken by the minister, and the intention of doing what the Church does. The second reason is that, if internal attention were of the essence of prayer, even those who persevered for hours with involuntary distraction would not satisfy their obligation. For these reasons, which are by no means insignificant, it seems that this second statement cannot be considered improbable. Furthermore, all agree that, in order to say that someone has not fulfilled their obligation, it is necessary not only to notice the distraction, but also to fully realize that one is being distracted from the duty. Otherwise, even if one is voluntarily distracted, one is not voluntarily distracted from the recitation itself. However, a scrupulous person is never obligated to repeat [the recitation] because of distractions. Thus, Suarez, Soto, Navar, Cajetan, and others com-

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monly say. See book 5, n. 177, v. Furthermore. 76.

— Question IV. What are the causes that excuse one from the recitation of the Divine Office? One is excused by: 1. A serious infirmity, or a grave inconvenience. However, someone suffering from a tertian or quartan fever is obligated to recite, and even to anticipate [the recitation], if it is convenient. However, one is not obligated to anticipate Matins on the preceding day, since no one is obligated to use their privilege. If one can conveniently do so, one is obligated to recite the Divine Office with a companion. If there is doubt as to whether reciting the Divine Office will cause you serious harm, you are not obligated; otherwise, if there is doubt as to whether you are excused, unless you have a probable reason; but it is better in that case to refer the matter to a doctor, or a superior, or at least a prudent person. However, when illness is pressing, if you cannot recite the entire Office, you are not obligated to recite the part that would cause you great scrupulous anxiety; you may, or may not, add to the remaining parts; thus, very probably, Suarez, Navar, Sanch, Lug, Carden, Ronc, etc. (Book 5.

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n. 154.). II. A just impediment, for example, if one is occupied in the service of charity, which one cannot omit without causing scandal, or notable detriment to oneself, or to another; for example, if one cannot postpone a sermon without causing notice, or the confessions of others in a large gathering (ibid., n. 156.). III. Ignorance (ibid., n. 157.). IV. Lack of the Breviary. However, one must say aloud what one remembers, provided that what one remembers pertains to at least a small portion of the Office. And if one lacks the Office, one must recite from the common Office. Likewise, if one can readily enlist the assistance of a companion, one must do so. But is the cleric obligated to also bring a companion to fulfill his hours, if he cannot do so alone? There are two probable opinions on this matter; but the affirmative opinion is more common and safer; indeed, it must be followed, if he wishes to receive the fruits [of his work]; for with only the probability of the opposing opinion, one cannot begin to possess the fruits, as Lessius, Soto, Salm, the Council of Tournai, Bonaventure, and others commonly say (Lib. 5, no. 158, and Lib. 4, n. 761, Qu. II.). V. A dispensation from the Holy Father; and also from one's own Bishop, for a limited time, if there is a reason; for example, if one doubts moral impotence (ibid., n. 159.). § III. Concerning censures in general. (In this paragraph are placed only definitions, divisions, and principles, leaving aside questions and other information, which are found in Moral Theology, where we have extensively discussed censures.) 77. — QUESTION. I. What is a censure, and of how many kinds is it? A censure is a spiritual and medicinal penalty, by which, through the ecclesiastical authority, the use of certain spiritual goods is taken away from the delinquent and the contumacious. 78. — A censure is divided into: 1. Excommunication, suspension, and interdict. 2.

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Into that which is *de jure*, namely, that which is prescribed by general and permanent law, and that which is *de homine*, namely, that which is imposed by a Prelate through a particular sentence. 3. Into that which is called *latae sententiae*, which is incurred by the very act; and that which is *ferendae sententiae*, which is not incurred until after the sentence, as are the censures expressed in the future tense; see ibid., n. 6, 7, 8. 79. — QUESTION. II. Who can impose censures? All ecclesiastical superiors having jurisdiction in the external forum, or ordinary jurisdiction, can impose censures, such as the Pope, councils, bishops, and even...

[*Latin ed. p. 241*]

The Vicars, also Capitular Vicars, and chapters of religious orders, and their prelates; or those delegated, as are those to whom the ordinary power is committed; see book 7, paragraph 9 and following. Question III. What is required for someone to be subject to censures? It is required that: 1. He be a human being. 2. He be baptized. 3. He be of sound mind. 4. He be a determinate person. 5. He be subject to authority. Regarding foreigners, see there, paragraph 17. Question IV. What is required to incur a grave censure, such as a major excommunication, or a total suspension, or for a long period of time? It is required that: 1. There be a grave sin, and that the matter itself be grave, or at least strongly conducive to the intended end. But in doubt, the superior's precept certainly applies. 2. There be an external act. 3. There be a completed act. 4. There be contumacy, so that the offender knows the crime, not only that it is forbidden by divine law, but also by ecclesiastical law. See also the implications that are inferred from these, cited in the book. Question V. Who can absolve from censures? Only he who imposed a censure pronounced by a particular sentence can ordinarily absolve from it, or his superior, or his successor, or a delegate. But from those that are imposed by law, or by a person by a general sentence (provided they are not reserved), any confessor can absolve. 80. — It should be noted here 1. that Bishops, according to canon 6 of the 24th session of the Council of Trent, can grant dispensations in all irregularities and suspensions arising from a hidden fault; except for those that arise from voluntary homicide, and others that are subject to the contentious forum. Also, they can absolve from any hidden cases, even those reserved to the Apostolic See, any of their subjects within their diocese, either by themselves, or by a Vicar specially appointed for that purpose. See Tractate on Privileges, paragraph 29. This faculty can also be generally delegated by the Bishop to others; see there, paragraph 54. It should be noted 2. that the aforementioned faculty is truly removed from Bishops with respect to heresy, and other reserved cases, as in the Bull Cœna, see there, paragraph 38. However, if someone is prevented from going to Rome, he can rightly be absolved by a Bishop: absolutely, if the impediment is perpetual; but under oath to go to Rome, if it is temporary, except always for women and

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children; see there, paragraphs 39 to 45. Furthermore, it should be noted here 3. that a papal excommunication...

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Violating ecclesiastical immunity, Pope Clement VIII also deprived the Regulars of the faculty to absolve [offenders], as is stated in the aforementioned treatise, number 99. This [faculty] only applies to those who violently and unjustly seize those fleeing to the Church for refuge; for Pope Clement in his decree did not forbid the Regulars from absolving any other excommunication with respect to those violating ecclesiastical immunity, than that which was declared by Pope Gregory XIV, who in his bull declared that those violating ecclesiastical immunity, by forcibly seizing someone fleeing to the Church, incur the same papal excommunication that was previously pronounced against those violating ecclesiastical liberty by Pope Paul II in the Extravagant "Etsi Dominici" concerning penance and remission, and by Pope Sixtus IV in the same Extravagant "Etsi Dominici," under the same title. These Popes reserved such an excommunication for themselves, so that it would not be included in the general concession to absolve from pontifical censures. Nor does the text in "Cum pro tua," concerning sentences of excommunication, present an obstacle, where, when someone struck a cleric within the cloister of a certain monastery, it is stated in the text that he incurred a double excommunication, one because he struck the cleric, and the other because he violated the immunity. For, as the Doctors commonly note with Fagnan in the aforementioned work, chapter number 10, that excommunication for the violation of immunity was not imposed by law, but by the Bishop himself; thus, the Abbot, Cardinal Ancharan, with "Innocent," noted with the word "Duplicem": "Duplicem, that is, for the imposition of hands by law, and for the violation of the cloister by [the Bishop] himself." Hence, Fagnan and others in chapter "Inter alia," concerning ecclesiastical immunity, number 102, are certain that there is no excommunication of declared sentence reserved to the Pope against those who strike or steal within the Church.

§ IV. Concerning the censures in species. And I. Concerning excommunication, 81. — EXCOMMUNICATION is a censure by which a person is deprived of communion with the Church. It is twofold: Minor, which deprives only of the passive use, or the reception of the sacraments; see "Ade l. 7, n. 135." And Major, which deprives also of the active [use], and of all communion, as we shall say shortly, number 83. 82. — A person may be excommunicated and either be tolerated, or be forcibly...

[*Latin ed. p. 243*]

Tolerated. He is tolerated, and the faithful are not bound to avoid him, according to the Constitution *Ad evitanda*. The Council of Constance

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decreed this, and neither, as some Doctors say, in divine matters, see there, n. 135. The same is said of those who are suspended and of those who are tolerated under an interdict. He is to be avoided, whom the faithful are bound to avoid. And a person can be avoided in two ways: either because he is explicitly excommunicated and denounced, or because he is a public assailant of a cleric or a monk; but in such a case, the fact must not be concealed by any evasion, nor excused by any pretext, as is said in canon [Si quis suadente, caus. 17, q. 4. See citation, book, n. 141]. But this excommunication, if the assault is enormous or grave and public, can only be lifted by the Pope; unless the assailant is a woman or a minor; for these can be absolved by the Bishop, who can also absolve from a light, but still public, assault; and also from a grave or enormous assault, if it is hidden, see law 7, n. 279.

Therefore, a person under a major excommunication (even if tolerated) is deprived of:

1. The benefits of the Church.

2. Benefices, so that the granting of a benefice to him is entirely null.

3. The reception and administration of the sacraments, and all use of divine offices.

4. All spiritual and civil communion with the faithful.

On the other hand, the faithful sin if they communicate with a person who is to be avoided, either in divine matters, namely, if they attend Mass with him, recite the Office; or in civil matters, that is, if they provide him with sustenance, live with him, enter into partnership with him, greet him, or write to him; all of which are included in those words: "Os, Orare, Vale, Communio, Mensa negatur" [Let silence, prayer, greeting, communion, and table be denied to him]. But those who communicate with him in three cases sin gravely:

1. If they do so in divine matters.

2. If they do so in contempt of the Church.

3. If they do so with a criminal, that is, if they communicate with him on account of the very crime (such as concubinage) for which he is excommunicated; and in this third case, they also incur a major excommunication; in the other cases, however (speaking regularly), they sin only venially, and are bound only by a minor excommunication; from which guilt and excommunication, necessity, utility, the law of marriage, obedience, and ignorance excuse, which are contained in those words: "Utile, Lex, Humile, Res ignorata, Necesse" [Necessity, Law, Humility, Ignorance]. See about these things, law 7, n. 188 and following.

II. I have said, speaking regularly, for it is probable that any civil com-

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munication with a person who is to be avoided is only...

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Venial, it is more probable that it is mortal, if it is frequent, with the intention of frequently communicating with it. II. Concerning Suspension. 84. — SUSPENSION is a censure by which a cleric is prohibited from exercising certain ecclesiastical functions. Suspension is divided in many ways. 1. Some are by law; others are by human authority. 2. Some are for a certain time, after which they expire; others are absolute, and remain until removed by absolution. 3. Some are from office, namely, of order, or jurisdiction; others are from benefice; and others are from both, from office as well as from benefice. See the questions concerning this censure in Moral Theology, book 7, number 312 and following. III. Concerning Deposition. 85. — DEPOSITION is that which simply deprives one of all use of offices and benefices. Deposition, however, is either real, which is also called degradation; or verbal, which is absolutely called deposition. The first is done with solemnity, and deprives one of both the privileges of the forum and of canon law, without hope of restitution. The second, however, is done without solemnity, and with both privileges retained; see book 7, number 523. IV. Concerning Interdict. 86. — INTERDICT is an ecclesiastical censure prohibiting the use of both divine offices and other Sacraments, and also the use of ecclesiastical burial, insofar as it is so. It is called so, insofar as it is so, because excommunication also deprives one of the same use, but insofar as it is a communion with the faithful; suspension, however, does not properly impede the use, but the exercise of ecclesiastical power. The interdict is either local, which immediately affects a place; or personal, which immediately affects persons. It can also be mixed, which immediately affects both a place and its inhabitants. See also book 7, number 528 and following. There is also a cessation from divine things, which is ended: A prohibition made to clerics, that they abstain from divine offices, and from ecclesiastical burial. This is not a censure, nor is it imposed.

[*Latin ed. p. 245*]

By way of medicine, but only as a sign of sorrow, for some most grievous offense against God or the Church. It can be imposed by those who impose censures. See *De irregularitate*, 87.

IRREGULARITY is a canonical impediment, hindering the reception of sacred orders and the exercise thereof by those who have received them. This impediment is not a censure; for so holds the more common and probable opinion; see book 7, number 341.

It should be noted here:

1. That irregularity is incurred only if it is expressly stated in the law, from the canon *Is qui*. Therefore, in doubt, it is not incurred, unless the doubt concerns homicide; for in the case of doubt as to whether someone

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has committed it or not, they are considered irregular. Ibid., number 347.

2. That to incur irregularity through a fault, at least knowledge of the ecclesiastical law prohibiting it is required. Whether knowledge of the penalty is also required? Probably, it is affirmed by Navar, Sylv., Sanch., Castrop., Rone, etc. See ibid., number 351.

Irregularity is removed:

1. By the cessation of the cause, if it is due to lack of age, ignorance, or poverty, or infamy, which is also removed by a change of place, or by amendment; otherwise, if it is by law, that is, by sentence, a dispensation is required.

2. By baptism (if it is due to a fault).

3. By dispensation.

4. By religious profession; see ibid., number 352.

88. Irregularity is either *ex delicto* (through fault) or *ex defectu* (through defect). Irregularities *ex delicto* are six:

I. Due to the seriously and knowingly repeated baptism, and at that time, both the baptizer and the baptized become irregular; see book 7, number 356.

II. Due to the violation of a censure, namely, if someone knowingly and solemnly exercises an act pertaining to the order, while subject to that censure; see above, number 357.

III. Due to a sin, by which a cleric knowingly and seriously exercises an act of a sacred order, which he does not solemnly possess; see above, number 359.

IV. Due to certain clandestine receptions of orders, that is:

1. If someone receives an order without the approval of the Bishop, from the canon *De eo qui furt.*, etc.

2. If, without dispensation from the same, he receives several orders on the same day, one of which is the priesthood, from canon 2 and 3 of the same title.

3. He who, after a marriage contracted before consummation, receives holy orders, with the wife's objection, is irregular, from the *Extravagantes Antiquae de voto*; see cited book, number 361.

We have said "due to certain" clandestine receptions of orders, because others are enumerated.

[*Latin ed. p. 246*]

I. The canons, number 46, prescribe only suspension (which, in the case of a public offense, is reserved to the Pope), but not irregularity. And it is probably also to be said of one who, having received Holy Orders under censure, exercises the sacred ministry, namely, that he does not become irregular unless, in the very act of exercising the ministry, he openly acts

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against the censure, according to what is said here, number 91.

II. For very grave crimes, if they are public and notorious, whether by fact or by law, and if they carry with them a legal infamy, such as adultery, incest, sodomy, perjury in court, heresy, simony, robbery, pimping, usury, rape, and the like. These, however, if the irregularity arises from a fact, are removed by amendment; if it arises from the law, by dispensation (see book 7, number 364).

III. Also, from unjust mutilation, and even more so from voluntary homicide, according to chapter "Si quis" (If anyone), 1, on homicide, and from Clementine, "Unus," in the same title. And this irregularity extends also to those who order, advise, or otherwise participate, according to chapter "Si viduam" (If a widow), dist. 58. See other passages on this point, book 7, numbers 363 and following.

89. — There are eight irregularities arising from defects:

I. From a defect of the soul, from which are irregular: 1. The insane, the frenetic, and the epileptic. 2. The uneducated, as stated here, number 35. 3. The neophytes, or those recently converted.

II. From a defect of the body, namely, if one has a vice that either hinders the proper exercise of the ministry, or causes a noticeable indecency. From the first category, the blind, the deaf, the mute, those lacking a hand, or all the fingers, or the thumb, or the index finger, are irregular. From the second category, the lepers, those lacking a nose, and others who are monstrous, such as those with a very large hump, are irregular (see book 7, number 403).

III. From a defect of birth, from which all illegitimate children are irregular; those, however, who are legitimized, either by subsequent marriage, or by religious profession, or by dispensation from the Pope, are not irregular (see ibid, number 421 and following).

IV. From a defect of age, about which see what is said here, numbers 43 and 44.

V. From a defect of the Sacrament, namely, from bigamy: it is called a defect of the Sacrament because one who has two wives cannot properly signify the union of Christ with the Church, which was His only bride. Bigamy is threefold, and prevents the reception of Holy Orders: 1. True bigamy, when one has truly contracted marriage with two persons successively. 2. Interpretative bigamy; when one is legally considered to have had two wives by mere pretense, about which see book 7, number 444. 3. Similar bigamy, which contra-

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I. From the vitiation of marriage (even if invalid), with a corrupt woman, or with a virgin, after a solemn vow has been made in religion, or after the reception of Holy Orders; see ibid., n. 448.

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VI. From infamy, concerning which see the aforementioned sections, n. 88, ad V.; for irregularities arise both from defect and from fault due to infamy, and are therefore grouped together.

VII. From lack of freedom; therefore, are irregular:

1. All properly called slaves.

2. Married persons.

3. Those bound to the curia by oath or salary.

4. Soldiers, at least as long as they are bound by oath; see loc. cit., n. 456.

VIII. From lack of integrity, namely, from a lawful mutilation of a member, which is performed by surgeons through incision or cauterization; or from a lawful homicide in a just offensive war; or in a judgment through active, efficacious, proximate, and properly ordered cooperation; see ibid., n. 461.

Section II. Concerning the Diaconate.

What is the Diaconate? And what is its matter and form?

90. The offices of a deacon, bound by censure, etc. Concerning the penance imposed by the Bishop, whether it must be fulfilled under pain of a major penalty.

91.

90. The DIACONATE is an order by which one is invested with the power to immediately assist the priest at Mass, by offering him the paten with the Host, and the chalice with the wine; also to read the Gospel, and to preach. The opinion that is more probable to us (according to the aforementioned sections, n. 28) holds that the sole matter of the Diaconate is the imposition of the Bishop's hands, and the sole form is the Bishop's words: "Receive the Holy Spirit for strength," etc. But since another opinion is also probable, it must be held that the offering of the instruments is also an integral partial matter; and therefore, it must be said that the matter of the Diaconate is twofold, namely, the imposition of the Bishop's right hand, with the form: "Receive the Holy Spirit," etc., and the handing over of the book of Gospels with the form: "Receive the power to read the Gospel," etc. Both are partial matters and forms constituting one order. The handing over of the Bible would also be valid, because the Gospels are already contained therein. But you might say: from the beginning, how were deacons ordained, when the book of Gospels was lacking? The answer is that Christ the Lord left to the Church the power to determine in their specific nature the matters and forms of the sacraments, of which

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He himself did not determine it. And according to this opinion, a characteristic is imprinted upon the very tradition of the book, as says D. Thomas, or upon the dispensation of the second form (Lib. 6, n. 748). Thus, according to this opinion, but see the statements in the Moral, book 6, n. 736 and

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following, 94. The offices of a deacon (besides those mentioned) are: 1. To solemnly baptize; but only with the permission of the parish priest, and in a grave necessity. Otherwise, a deacon who solemnly baptizes without a commission, even in a necessity, incurs an irregularity. 2. To minister the Eucharist, but likewise, this is not permitted unless it is done by the commission of the parish priest, and in a grave necessity, namely, if the people are about to receive Communion, and there is no priest present (Lib. 6, n. 237, Q. I.); otherwise, if he ministers without a commission, he also becomes irregular (n. 234). 3. To carry the pyx or the ostensorium containing the Eucharist. 4. To preach, and to cleanse the vessels used in the sacred rites, in the absence of a subdeacon. A deacon who is bound by censure incurs an irregularity if he ministers, according to the statements in n. 88, ad II. But he who, having been subject to censures, accepts the diaconate, does not become irregular, unless in the Mass of ordination, he openly exercises the order he has received (see Lib. 6, n. 799, Dub. 3, v. Utrum). It is asked whether the penance imposed upon deacons and subdeacons by the Bishop, of reciting the Nocturn of the current day, and upon priests, of celebrating three Masses, is obligatory? Some affirm; but it is more probable that others (such as Soto, Valentia, Castr., Pelliz., Gobat, etc.) say that they are to be said only out of decency, and not out of obligation, at least not a grave one, since it is not certain (Lib. 6, n. 829). Section III. Concerning the Priesthood. § I. What is the priesthood? And what is its matter and form. 92 and 93. Concerning defects to be remedied. 94. § II. Concerning the sacrifice of the Mass. What is the sacrifice, and how manyfold? 95. What is the Mass? 96. Q. I. What is required for the Mass? Concerning the matter of the Mass, and here, concerning the bread 97. Concerning the wine. 98. Concerning the presence of the matter. 99. Concerning the form. 100. Q. II. How is Christ present? 101. Q. III. The effects of the Mass. 102. For whom may it be offered? 103. Q. IV. How manyfold is the fruit? 104. Is the Mass of infinite value? 105. Q. V. Concerning a lawful stipend. 106. Delay of the Mass. 107. Retention of a part of the alms. 108. Concerning the parish priest, etc. 109. Application. 110. Q. VI. When should it be celebrated? 111. Q. VII. Are all rubrics obligatory? 112. Q. VIII. When may the Mass be said? May it be said before Matins? And on the day of the Lord's Supper, and on the holy Sabbath? 113. Q. IX. Where may the Mass be said?

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114. Concerning the pollution of the Church.

115. Question X. What things are required for celebrating [the Mass]?

I. The altar.

116. II. Chalice and paten.

117. III. Vestments.

118. IV. Corporal.

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119. V. Cope.

120. VI. Missal.

121. VII. Censer with thurible.

122. Are neo-presbyters to be consecrated, etc.?

123. Are three Masses prescribed, etc.?

124. The Mass to be upon said solemnly, briefly, etc.

(Concerning those who celebrate, we have spoken briefly of this in Book 6, number 400.) Concerning Masses of votive offering.

126. When may they be said multiple times in a day, etc.?

127. If two Masses are celebrated, does the Church become polluted, or is the celebrant excommunicated?

§ III. Concerning priestly power.

129. A simple priest can only consecrate the Eucharist, and administer the Sacrament of Penance when necessary.

130. What knowledge is necessary for every priest concerning administering the Sacrament of Penance when necessary?

§ IV. Concerning the office of teaching and preaching.

131. and 132.

§ I. Concerning the order of the Priesthood.

92. — THE PRIESTHOOD is an order by which is conferred the power to consecrate the Body and Blood of Jesus Christ, and to absolve the faithful from sins. This order of the priesthood was instituted by Christ at the Last Supper, when He said: "This do ye in commemoration of Me." And after the Resurrection, when He said: "Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained." What is the matter of the priesthood? According to our more probable opinion (as we have said here, number 28, and in Book 6, number 749), it is singular, namely, the second imposition of hands by the Bishop with the presbyters. But it is also probable that it is twofold, namely, the delivery of the chalice with wine, the paten with the host placed upon it, the formula being: "Receive the power to offer the Sacrifice, etc." And the third imposition of hands, the formula being: "Receive the Holy Spirit, whose sins you forgive, they are forgiven them; and whose sins you retain, they are retained." And this opinion, although probable, must be entirely observed in practice (See Book 6, number 749).

95. — Hence, we say I, that in the ordination of priests, both species, namely, bread and wine, must be delivered together with the chalice and paten; otherwise, the direct power to consecrate the entire Sacrifice would not be given; and at the same time, it must be delivered, since the priestly power to sacrifice is indivisible; thus, the more probable opinion, which must be entirely observed (Book 6, number 750). Also, it must be delivered by the same ordaining and celebrating priest, as has been said here, number

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35, in fine. We say II, that it is not sufficient to touch only the chalice, and not the paten, since it is probable that the consecra-

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It is a matter of concern whether both [the chalice and paten] must be touched (n. 755). We say in III that, although, according to common opinion, one who has touched only the host, and not the paten, is validly ordained, because the host and wine are the substantial matter, and the chalice and paten are used only for decency; nevertheless, it is more prudent that such an ordination be repeated, since four Doctors of the Church have doubts about it, and in the Pontifical (where the matter is discussed), it is said: "And let him touch both the chalice and the paten together" (n. 751). And the same seems to be said of one who touches only the chalice and paten, and not the host (n. 752).

94. It is asked, when must a defect be supplied in the ordination to the priesthood? If the defect is concerning essentials, namely, concerning the matter or form, then the ordination must certainly be repeated: and indeed, the entire ordination, if the defect, or the doubt concerning it, relates to the transmission of the primary power over the real Body of Christ; but if it relates to the secondary power concerning the mystical body, then only the secondary power must be repeated. But if the defect is concerning accidentals, then if it is a minor matter, such as if the ordained person did not say the canon, such a ceremony (or a similar one) need not be repeated; but if it is a serious matter, such as if the unction of the hands was lacking, or if the newly ordained priest did not pronounce the words of consecration with the Bishop, then the defect must be supplied as soon as possible, and by the same Bishop (if it can be done); otherwise, the ordained person would gravely sin by neglecting it, or in administering the sacraments (l. 6, n. 758).

But at what time must a previously unnoticed defect be supplied? It is answered that if the defects are concerning accidentals, they can probably be supplied at any time; but if they are concerning essentials, Salm and others say the same: but according to the more probable and common opinion, they must be supplied during the established times of ordinations, as is gathered from chapter Presbyter, de sacr. non iter., unless it is only a doubt about the validity of the ordination, as several Doctors of the Church probably believe (l. 6, n. 759).

§ II. Concerning the Sacrifice of the Mass.

95. — THE SACRIFICE (speaking in general) is thus defined: It is an offering of a sensible thing made to God through immolation, as a sign of His supreme dominion. The sacrifice can be of four kinds: Latreutic, for the

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worship of God; Eucharistic, for...

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Thanksgivings are offered: as an intercession for obtaining benefits; the Mass is offered as a propitiatory sacrifice for obtaining forgiveness. 96. — The Mass, moreover, is defined as follows: It is the consecration and oblation of the Body and Blood of our Lord Jesus Christ. And it is a true sacrifice, encompassing the nature of all other sacrifices; and it is the same Host that was offered on the cross, differing only in the manner of offering, as taught by the Council of Trent, Session 22, chapter 2. Some say that the essence of the Sacrifice consists in the consecration, others in the oblation, others in the reception, and still others, more probably, in the consecration together with the reception, as Bellarmine, Soto, Bonaventure, and Tournhem (lib. 6, no. 505) teach. However, for the essence of the sacrifice, it is more probable that the consecration of both species, namely bread and wine, is required; otherwise, the commemoration of the bloody sacrifice of the cross would not be sufficiently expressed (no. 506). 97. — Question I. What is required to complete the Mass? Three things are necessary: intention, matter, and form. An intention is required to consecrate, or to confect the Sacrament, at least virtually, that is, one that persists from a previously held actual intention, as certainly exists in one who prepares and approaches to celebrate, as stated here in no. 9. More things must now be noted concerning the matter and form of the Mass. The matter is none other than Christ the Lord Himself, truly present under the species of bread and wine. The bread to be consecrated must be usual and common, made of wheat flour and natural water (at least for the greater part), and baked by fire in the manner of bread, and not mixed with another substance equally or almost equally (as says St. Thomas), nor corrupted, nor near to corruption; otherwise, it is not suitable matter. In order for it to be licit matter, in the Latin Church, the bread must be unleavened, in the Greek Church, leavened (lib. 6, no. 498, ad 205). It should be noted here 1. that if a Greek passes through lands of the Latins (and vice versa) where there is no Church in which the Greek rite is observed, he may, at his discretion, celebrate either with unleavened bread or with leavened bread, according to the common opinion (lib. c., no. 203). It should be noted 2. that it is not licit to consecrate a broken or stained Host; but it is not a mortal sin, unless the fracture or stain were very enormous, as Quarti, Paschal, and la Croix add, along with Gobato, that if a fracture is discovered after the oblation, such a Host may be licitly consecrated, provided that scandal to the people is avoided (lib. c., no. 204). It should be noted 3. that the Host must be of an orbicular shape, and larger for the priest; if

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Moreover, some are lacking, as Roncagl, Quarti, Elbel, Gobat, and Tamb

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assert. It is probable that the priest, even for the sake of devotion, may consecrate a smaller quantity; provided, however, that the people are not scandalized. But they add that this scandal can easily be avoided by warning the people about the deficiency of the larger host.

The wine, however, must be expressed from grapes; to which, by a grave precept of the Church, a small amount of water is to be added to the chalice (to signify the union of the faithful with Christ), which must not exceed one-third of the wine; although some Doctors do not admit this opinion, unless the wine is generous. It is sufficient, however, to mix in one drop of water.

Wine from unripe grapes, nor vinegar, nor *vappa* (that is, wine of which the strength has evaporated), nor *lora*, commonly called *acquata*, are not suitable material. Wine mixed with a small amount of another liquid, or the must of grapes freshly pressed, is indeed suitable for the Sacrament, but is gravely illicit, as is stated in the Rubric; where it is also taught that wine which has begun to ferment, or to become corrupted, or which is somewhat sour, is not suitable.

However, La Croix, Gobatus, and Sporer (ibid., nos. 206 and 207) say that, if other wine is lacking, it is permissible to use wine that is only slightly sour: for Cardinal Lambertinus (Notif. 77, no. 2) says that the Rubric cited is derived from the teaching of St. Thomas, 3rd part, question 74, article 5, 2nd argument, who teaches that the Sacrament cannot be confected with vinegar, but it can be confected with wine that is becoming sour, which is on the way to corruption... although it is sinful to consecrate it. Therefore, the Rubric does not seem to be to be understood with such rigor as to include all degrees of sourness, but only those which have already begun to cause the wine to become sour, commonly called "wine with a pointed taste," or "wine that has already begun to ferment."

It is not permissible to consecrate in frozen wine, unless it melts while it is being consecrated (ibid., no. 207, Question I). However, there is no doubt that frozen wine is suitable material, as is stated in the Rubric (regarding defects of the Sacrament in winter): "If the blood freezes in the chalice in winter, wrap the chalice in heated cloths, etc., until it melts." Therefore, by freezing, the species of the wine are not corrupted, otherwise there would no longer be the blood of Christ there (see ibid.).

What if the celebrant, during the consumption, noticed that the wine was corrupted? Some say that it is sufficient to consecrate the wine alone. But it is better, according to the Rubric (unless there is a scandal), to use new wine, and to make a new...

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To consecrate the host, one begins with the words: "Who yesterday, etc." See the aforementioned passage, book 6, number 288. And if there is doubt

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as to whether the material is suitable, the consecration of the wine must also be repeated, as Croix, Paschal, and Aversa rightly state (contrary to Tamburini and Spotorno), because there is an obligation to make the Sacrament complete (book 6, number 206, see Quoad). 99. Furthermore, for a valid consecration, it is required that the material 1. be manifestly (at least morally) present; therefore, a material that is so small that it cannot be perceived by the senses, or that is very distant, or placed behind, or against a wall, is consecrated invalidly. It is said to be at least morally present, because a blind man, or one existing in darkness, can consecrate validly, if he is morally certain of the presence of the material (book 6, numbers 211 to 215). It is also required 2. that it be certain and determinate (at least in some certain way, for example, the first two hosts from the right side); in this case, consecration takes place by virtual intention, even if the priest forgets about it during the consecration (book 6, numbers 214 to 216). However, if the ciborium remains outside the altar during the time of consecration, it is more probable that it must be consecrated again, as taught by Cardinal Lambert (De Sacrificio Missae, book 3, chapter 18, number 6), because in that case, it is doubtful whether the consecration has been made (book 6, number 217). Regarding drops of wine that are separated, but are within the chalice, La Croix states in book 6, page 1, number 449, that it is necessary for the priest to intend to consecrate them, so that nothing in the chalice remains unconsecrated. However, it seems to me to be better to intend to consecrate the drops near the bottom, rather than those that are distant. (See our work, book 6, number 215, see Quær.). If hosts are offered that are small, shortly after the oblation, they may be consecrated, with mental oblation supplementing the offering, as stated by Gavant, Tanner, Possevin, Aversa, etc. This can also probably be done after the canon has begun, as stated by Gobat, Quartl, Burghal, Possevin, Diana, Tamburini, and Cardinal Lambert (De Sacrificio Missae, book 3, chapter 18, number 5), at least if otherwise, more people would be deprived of Communion; or even (I believe) if the person about to receive Communion could not wait, or if a person of high rank or nobility requests Communion; because for such reasons, St. Antoninus, Sylvester, Bonaventure, Sahagún, Barbatus, Marchilius, Possevin, Gobatius, and the Dicastery, etc., allow a portion of the large host to be given, or the smaller hosts to be divided into several particles (See our work, book 6, number 217, see IV). 100. The formula of the Eucharist are the words that are pronounced during the consecration of the bread and wine.

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The words alone, "This is the chalice of My blood," are they of the essence, or perhaps others as well? Both opinions are probable; but it is certainly gravely sinful to omit any [of the words]. But do the preceding words, "Who, on the day before He was to be delivered," etc., truly require

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necessity for the consecration of the Sacrament? The common opinion denies this, but Scotus doubts, and Du Pasquier and Contin, Tournely, say that his opinion does not lack all probability; and I do not dare to say that it is improbable. (See book 6, paragraphs 220 to 224). But the formula of the Eucharist must be pronounced both reverently and significantly, that is, by reciting the words of Christ, and applying them to the present matter, so that it may be transformed into the Body and Blood of Christ, as the Council and Salm. say with St. Thomas. (See paragraph 220 at the end). If, however, someone were to say, because of a stammer, "This is My body," or "My body," or "body," or "chalice," or "blood," he would validly consecrate, as Suarez, Lug. Croix, and others commonly report, from chapter 4, on consecration, where it is declared that baptism conferred, "In the name of the Father, and the Son, etc.," is valid; the reason is, because the words are so constituted that, even if they are uttered with a defect, they signify the same thing; provided that they do not introduce another meaning (book 6, paragraph 224). Here, however, it must be carefully noted what the Rubric says (title 5, paragraph 2): If the celebrant does not remember having said what is commonly said in the consecration, he should not be disturbed (i.e., he should repeat it). But if he very probably doubts that he has omitted something essential, he should repeat the formula, at least under a tacit condition. 101. — Question II. How is Christ present in the Eucharist? It is answered that Christ is not present in the Eucharist by production, nor by being brought down from heaven, but by the conversion of the substance of the bread into the substance of the Body of Christ, to which conversion the name transubstantiation is suitably applied. Christ is sacramentally contained under the species of bread and wine, and in an ineffable manner, which must be believed, but cannot be understood (as the Council of Trent says in session 13, chapter 1: "We can scarcely express it in words"). The Savior exists there without extension of parts in relation to place, and yet He is there, the whole Christ, with His soul and divinity, by concomitance: and each part of Christ exists there apart from the others. And Christ is whole and entire under each part of the species, as the Council of Trent teaches in session 13, chapter 5. But this must be understood.

[*Latin ed. p. 255*]

Having made the distinction, as is stated in the Council of Trent, in the same session, 15th canon, 3. Therefore, if the distinction is not made, the question remains undecided, whether Christ is wholly under each part of the species. However, in the Eucharist, although the person of the Father, nor the Holy Spirit, is not taken as such, as is the person of the Word, which is hypostatically united to humanity, nevertheless, the persons of the Father and the Holy Spirit are also present in the Eucharist, due to the natural union, or the identity of the divine nature, which they have

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with the Word. 102. – Question III. Who are the offerers in the Mass? And what are the effects of the Mass? There are three offerers: Christ, who is the principal offerer; the Church; and the priest, who offers as a minister both of Christ and of the Church: thus Bellarmine (De Sacrificio Missae, chapter 4). The effects of the Mass are four: I. It is the remission of sins, not indeed immediately and by itself, but mediately through the help which is obtained in the Mass for repentance, through which forgiveness is then obtained; thus commonly Bellarmine, Suarez, and others with the Doctors of the Church (in 4th Dist., 12th Question, 2nd Article, 2nd Question, ad 4th), who says that the Mass removes sins, insofar as it obtains the grace of contrition. And this is rightly taught and commonly by the Fathers with the same Holy Doctor (loc. cit.) against Canus and Valentia, proceeding both in the remission of mortal and venial sins (l. 6, n. 311). II. It is the remission of punishments; these are immediately remitted to the just person, for whom the Mass is offered, commonly by Gonzaga, Suarez, the Council of Salm, and others with the Doctors of the Church (3rd Part, Question 97, Article 3), saying that this Sacrament, insofar as it is a sacrifice, has a satisfying power. III. It is an increase of grace, not already from the work performed and immediately, as some think, but mediately through the helps which are obtained from the Mass for performing good actions, through which grace is increased, as taught by Castrop, Vasquez, Suarez, Lugo, etc., commonly. IV. It is the obtaining of both spiritual and temporal goods, insofar as they are beneficial to souls (l. 6, n. 311, v. II, Effects). 103. – It is asked: For which persons can the Mass be offered? It can be offered for any faithful, for infants, for the sick, and for others, even if they are in sin. But for excommunicated persons? If they are to be avoided, the priest cannot offer the Mass for them in the name of the Church, or as a minister of Christ, according to canon 2 of the Decrees on excommunication. But if they are tolerated, it is more probable, with Sanchez, Navarre, Lugo, etc., against others (l. 6, n. 309), that the priest can offer the Mass.

[*Latin ed. p. 256*]

It is permissible to offer the Mass for these [persons], even in the name of the Church; for although those who are excommunicated are excluded from the exercise of ecclesiastical rights, it has nevertheless been granted by the Council of Constance (as is stated in Extravagantes Martini V, "Ad evitanda") that they may freely communicate with the faithful in divine matters, as stated in chapter 7, paragraph 159. Similarly, it is also probable that the Mass may be offered for infidels, as taught by Bellarmine, Layman, Suarez, Salm, etc., against Soto, because Christ offered Himself for all, and this was certainly permitted under the Old Law; for the Jews were already accustomed to offer sacrifices for the Gentiles (Leviticus 1:12). But concerning those who are in Purgatory, it is certain, and it is a matter of faith, as taught by the Council of Trent, Session 22, chapter 2, and in canon 5, that

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the Mass is offered lawfully and profitably. And this is from the infallible promise of Christ, as commonly and truthfully taught by Azor, Suarez, Navarre, Salm, etc., because, since it is certain that the Mass is profitably offered for the dead, this can only be so by the promise of Christ (loc. cit. n. 510).

104. — Question IV: What is the fruit of the Mass? The answer is: The fruit of the Mass is one from the work performed, namely, from the merit of Christ; another is from the work of the one performing the action, namely, from the merit of the priest. Also, one fruit is meritorious, another is satisfying, another is propitiatory. Also, one fruit is general, reaching all the faithful, living and dead; another is special, or intermediate, reaching those who assist at the Mass, and to whom it is applied; another is most special, reaching only the celebrant; for whom the celebrant cannot receive any payment, according to proposition 8, condemned by Alexander VII.

105. — Is the Mass of infinite value, both intensively and extensively? Many Doctors deny this; but many others more probably affirm it, such as Gonet, Habert, Juenin, Petrocor, Pignatelli, Tourn, the Council of Holzm, Wigandt, La Croix, Canus, Salm, etc., and among these is also Doctor Thomas; because the Mass is the same as the sacrifice of the Cross, which was of infinite value. Although the value is infinite, the effect of the Mass is finite, due to the finite capacity of the people for whom it is offered, each of whom receives the fruit according to his capacity. But since the first opinion is also probable, the priest cannot receive a double payment from two people, by applying the Mass to both of them, as falsely stated in proposition 10, condemned by the same Alexander VII.

[*Latin ed. p. 257*]

It is not possible to apply the option of offering Masses in general to others, unless it is done under the condition that it is permissible (l. 6, n. 512).

106. — Question. What about the stipend for a Mass? It is permissible for priests, even wealthy ones, to accept a stipend, as commonly taught by Suarez, Lugo, the Council of Tournai, along with Thomassin, and many others (contrary to Gennet and a few others); because every worker is worthy of his wages, according to the Apostle (1 Timothy 5:18) (l. c., n. 517, Q. I.).

107. — A priest sins gravely if he delays a promised Mass for which a stipend has been received, for more than two months, as stated by Garcia, Philibert, Ripa, and others, along with Lugo: also, the Instruction of the Congregation of New Converts (part 2, chapter 406) and Tournai, who says that it is the common opinion that one can accept stipends for Masses for up to two months (l. 6, n. 317, Q. II.). Also, the Council, which says nothing other than that a delay of two months is serious, according to the decree of the Sacred Congregation. However, if the Mass is for the dead, a delay

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of one month will be serious, as stated by Castrop, Escobedo, and Salm (Ibid.). Indeed, if the Mass is to be said for an urgent necessity, such as imminent death or another damage, then even a delay of a week can be mortal. See Cabrin (chapter 34, number 216). Here, however, Cont. Tournai rightly points out that if someone gives many Masses to a community for celebration, it is not presumed that they are content with the Masses being celebrated with such a delay, as if they had given them to a single priest. However, this is not to be understood as meaning that all the priests of that community must be occupied with saying them successively; it must always be assumed that the community has other obligations as well; but rather that the Masses are to be distributed to a larger number of priests, or at least to a number of them that is appropriate, if the community is very large, and that the community can then fulfill its obligations during that time, which is allowed to each priest. Furthermore, it should be noted here that Innocent XII, in the Bull Nuper, in the year 4697, ordered all Rectors of Churches to display a table of the charges for temporal and perpetual Masses, so that they would not be burdened with new charges for which they could not properly provide. (See op. cit., Instruction, p. 2, n. 409).

108. — It is not permissible for anyone to give Masses to others for celebration, retaining a portion of the stipend, under penalty of incurring suspension by that very act.

[*Latin ed. p. 258*]

If the Mass is offered for the intention of the Pope, it is reserved to him, and if the offerer is a cleric, he incurs excommunication; if a layperson, a similar penalty, as stated in the Bull *Quanta cura*, by Benedict XIV. And the portion retained must then be returned, preferably to the priest celebrating, rather than to the poor. However, this does not apply if a larger sum is given to someone for reasons of their person, or for a benefice, or for a chaplaincy (even a temporary one), or for a perpetual legate, because in such cases, that person may retain the portion exceeding the usual amount. Administrators of churches, according to the Decree of the Sacred Congregation, may retain nothing, nor even for expenses incurred in celebrating Masses, unless the church has no other source of income (see book 6, paragraphs 321 and 322). See these and other matters discussed more fully regarding the stipend for a Mass in the aforementioned book, paragraphs 321 and following. 109. — Parishes, according to the Bull *Cum semper*, of the same Benedict XIV, are obligated to offer a Mass for the people on all festive days, even if they do not have adequate means of support. However, if they have sufficient income, they are not obligated to offer Masses as frequently; as is declared in the same Bull (book 6, paragraph 325, Question II). It should be noted here that in the same Bull, the Pope decreed that the conventual Mass, which is sung daily by the clergy, should be offered for the benefit of benefactors, considering benefactors in general, regardless of

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any custom to the contrary (loc. cit., paragraph 326). 110. — The intention must be stated before the celebration, or before the consecration. However, it is more accurate (whatever others may say) that the habitual intention of the Mass is sufficient, as commonly taught by Suarez, Lugo, Bonaventure of Tournai, Holzmüller, and others (book 6, paragraph 535, Question I). If the Mass is offered for no specific intention, the benefit remains in the treasury of the church. An intention stated under a condition that is not fulfilled is valid; however, if the intention is made for the first person who offers alms, it is not only illicit according to the prohibition of Clement VIII, but it is also often invalid (loc. cit., paragraph 357, see). 111. — Question VI: Is a priest ever obligated to celebrate a Mass in the year? Some, with good reason, deny this, including St. Bonaventure and Cajetan, while Suarez, Laym, and Paleari consider it probable. However, others, following the Doctors of the Church (and I adhere more to their view), affirm this, because the words of Christ, "Do this in memory of me," probably contain a precept, as the Council of Trent, session 22, chapter 1, clearly states, saying: "To the Apostles, and to their successors in the priesthood, He commanded that they should offer sacrifice through these words."

[*Latin ed. p. 259*]

This is easily demonstrated, and so much the more so because Saint Pius V ordered that the first opinion of Cajetan be expunged from his commentaries. Merbesius and Habert say that priests are bound to celebrate at least on all feast days, and Concina agrees, citing from the Council of Trent, Session 23, chapter 14, concerning reforms, where bishops are thus admonished: "Let bishops see to it that priests celebrate at least on Sundays and on the more solemn feasts." But from these words, it is not sufficiently proven that this is a rigorous precept of the Council. Therefore, Navarrus and Laym, along with Soto, Sylvius, Palearius, Riccius, Vallius, and Elbel, along with Scotus, Gohus, and Anaclasius, book 6, number 503, question 2, say that priests are bound under a grave obligation to celebrate at least three or four times a year on the more solemn feasts. And Saint Thomas holds this opinion in *Summa Theologica*, 3rd part, question 82, article 10, saying: "Therefore, even if a priest does not have care of souls, he is not altogether permitted to abstain from celebrating, but it seems that he is bound to celebrate on the principal feasts, and especially on those days on which the faithful are accustomed to communicate, namely, on Easter, Pentecost, and the Nativity of the Lord, according to Canon 16 of the decree on consecration, district 2." Indeed, Suarez, Lugo, Bonaventure, Holzmüller, and Salm hold that it suffices to avoid mortal sin to celebrate three or four times a year on any days. And this seems to be in accordance with the decree of the Sacred Congregation of the Council, published in November of the year 1696, in which it was declared that a priest sins mortally if he does not celebrate three or four times a year. Furthermore, I am certain that

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a priest who, without cause, omits celebrating daily (except for one day in the week because of the reverence due to the Sacrament) will scarcely be excused from venial sin, since he deprives the Church, of which he is a minister, and the Christian people, of whom he is the intercessor at the altar, of the fruit of the Sacrifice. The Apostle instructs priests in this way: "Every high priest is taken from among men, and made near to God on behalf of men, that he may offer gifts and sacrifices for sins." Hebrews 5:1.

Question VII: Are all the rubrics of the Missal imperative, or are some directive, or merely advisory? There are different opinions on this matter. We follow the opinion of Quarti, Merati, and Tournhem, who say that the rubrics concerning actions to be performed within the Mass are all imperative, and bind according to the importance of the matter, for in the Bull of Saint Pius V it is said: "We strictly command that the Mass be celebrated according to the rite, manner, and norm prescribed in the Missal." Note well, however.

[*Latin ed. p. 260*]

Strictly prescribing (loc. cit. n. 399). However, the rubrics concerning actions performed outside of the Mass probably indicate that some are merely directives, such as the washing of hands after Mass, and prayers before or after Mass (see loc. cit. n. 409 and 410). Furthermore, it should be noted that the rubrics prescribed in the *Cæremoniale Episcoporum* are obligatory everywhere, as stated in the three bulls cited therein: "The aforementioned *Cæremoniale* must be observed in all churches, especially in cathedrals and collegiate churches."

413. — Question VIII. When can Mass be said? The rubric states: "Private Mass can be said at least after Matins and Lauds, and at any hour from dawn until noon." Commonly, however, Doctors of the Church say that it is permissible to end Mass at dawn, and to begin it shortly before noon. Indeed, Benedict XIII and Clement XII declared that a latitude of one-third of an hour could be tolerated, both before dawn and after noon (loc. 6, n. 341, verse "Omnes"). Furthermore, it is commonly and probably stated by Sylvius, Castrén, Bonanni, Roncaglia, Viva, Salmant, etc., that the celebrant does not commit a mortal sin unless he begins Mass one hour before dawn or one hour after noon; otherwise, he commits only a venial sin, for which any reasonable cause excuses him; indeed, a more serious cause, such as the administration of Holy Communion, or a solemnity, a journey, or a funeral, completely excuses him, even if the delay is for a full hour (loc. n. 345 to 346). It is permissible to administer Holy Communion up to Vespers, exclusively; and even at Vespers, if there is a special reason, provided it is not at a late hour, that is, at a very late time of night (n. 259). However, to celebrate Mass before Matins and Lauds, some say it is a mortal sin, others say it is no sin at all, while others, and it is truer and more common, as Suarès, Sotus, Sylvius, Tournhem, Bellarmine, etc. (to whom even Benedict XIV, in

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De Sacro Missa, book 3, assents) say, it is not a mortal sin, because such a grave obligation is neither expressed in the rubric, nor is it commonly accepted as a grave one; but they do not consider it excused from a venial sin, since this is already counted among the defects in the rubric (loc. 6, n. 347). However, to say a conventual Mass before Matins and Lauds is not excused from a mortal sin, as Doctors of the Church commonly teach, contrary to Sanchin (n. 548). To celebrate Mass on the day of the Lord's Supper, and on the holy Sabbath (whatever others may say), in no way is it permitted, nor even privately, as is clear from the decree of Clement XI, which is referred to (loc. 6, n. 350), and also.

[*Latin ed. p. 261*]

It has been confirmed by Innocent XIII, as cited in Merati's *Index Decretorum*, numbers 495, 501, 504, and 632, 114.

Question IX: Where is it permissible to celebrate Mass?

The answer is: In chapels blessed by the Bishop and designated for sacred uses, or in seminaries, monasteries, and hospitals, and also in private homes (provided the chapel has a door opening onto a public street); also in chapels of religious orders (regarding regular canons, see treatise on Privileges, numbers 123 and 124), and also in chapels built in the palaces of Bishops; all may celebrate there, and at any time, even on solemn feasts, because such chapels are true churches.

However, in private chapels, in which it is permitted to celebrate only by pontifical privilege, it is not permissible to celebrate the sacred rites on days granted as indulgences, except for Easter, Pentecost, the Nativity of the Lord, the Epiphany, the Annunciation, Ascension, the Assumption of the Blessed Virgin, the feasts of Saints Peter and Paul, and all the Saints. Nor can it be celebrated there unless some of those to whom the indulgence has been directly granted are present, as declared by Benedict XIV in the bull *Cum duo Nobiles* (see book 4, number 519, see *Probabilium*). Nor can more than one Mass be celebrated there, if it is said (as is customary) that only one Mass is celebrated daily; for Benedict XIV declared in the bull *Magno*, dated June 2, 1751, that this is the same as saying a single Mass (book 6, number 359, near the end).

But can the Holy Communion be administered in these private chapels? Some affirm, others commonly deny; and Benedict XIV, in the Encyclical Letter to the Bishops of Poland, dated June 2, forbade the giving of Communion in private chapels without the permission of the Bishop (cited, number 359, see *Quaestiones*).

However, it is never permissible to celebrate Mass at sea, except with the express permission of the Pope (see above, number 359, near the end).

115. A priest who celebrates Mass in a church that has been defiled by a notorious shedding of blood in a notable quantity (for in chapter 10,

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concerning consecrations, it is said that the shedding of blood defiles), or by semen, or by the burial of an unbeliever, heretic, or excommunicated person, before that person has been reconciled by the Bishop (or by a priest delegated by the Bishop, if the church has only been blessed), commits a grave sin; but incurs no penalty, as is more probable, according to Suarez, Lamy, Lugo, and others, with Benedict XIV, on the subject of the Holy Mass (book 6, number 361, to 566).

Similarly, it is a mortal sin to celebrate Mass in a church that has been desecrated, namely, if at the same time a large part of the walls have been demolished, or the plaster has been removed (see above, number 367, and 568).

But is it permissible, Volume IX?

[*Latin ed. p. 262*]

Do writers celebrate the Divine Office in the churches of Regular canons against the prohibition of the Bishop? See what is said in Tract. de Privil. n. 77.

Concerning the Mass: It is required that there be an altar, or table, duly consecrated by the Bishop, with a sepulcher of relics, from which absolutely the consecrated Host, and the particles, and the seal must be taken. (l. 6. n. 572. et 575.) However, the altar is detested if it is celebrated upon when it has been consecrated, if the consecrated table is removed, so that it is mortally sinful to celebrate upon it, or if the altar is notably broken, or if the relics are taken away, or if the seal is removed, as is stated in the Decree of the Sacred Congregation of Rites (l. c. n. 569). Three cloths are also required for the altar, and two are not sufficient, as some say; however, one separate cloth, and another doubled, are sufficient (l. c. n. 574. et 575.).

417. — It is required that there be a chalice and paten, both consecrated. However, the chalice is detested if it is notably broken in the cup, or if it is pierced in the bottom; but not if its gilding is lost, as Lugo, Suar., Sylv., Tourn., Laym., etc., teach with probability and in common. Therefore, it is probable that a chalice newly gilded does not require a new consecration (1). However, it is probable that celebrating in a chalice that has never been gilded is illicit, but only venially, as Lugo and Tournely say. When the chalice is separated from its base, it certainly loses its consecration if the cup is fixed to the base; otherwise, if the base is detachable and separable, (l. 6. n. 370.). However, Laym., Gav., Tour., Bon., Roncag., etc., commonly teach that the pyxide is not to be consecrated (lib. 6. n. 384.). It is doubted, however, whether it should at least be blessed? Suar., Sylv., Azor, Sot., etc., commonly deny this. And this does not seem improbable; but Salm., Tourn., and others, with Cardinal Lambertini, more probably affirm, although Lambertini considers the omission to be no more than venial, because this is more in conformity with the rubric of the Missal, in which it is said that the priest takes the Host for Communion (1).

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(1) But see this opinion retracted, l. 6. n. 370. v. However, all that is said is confirmed by the most recent declaration of the Sacred Congregation, made at the request of the Most Illustrious Bishop of Liège on June 14, 1845. In the response: "When the Most Reverend Bishop of Liège requested that the Sacred Congregation of Rites would deign to declare whether the chalice and paten lose their consecration through new gilding and thus require a new consecration? The same Sacred Congregation... judged that it should be answered: affirmatively, that they do indeed lose it and require a new consecration, according to what has been explained."

[*Latin ed. p. 263*]

It is placed before the chalice, or in some clean, blessed vessel. The same is to be said of the lunula of the ostensorium, where the Host is placed during expositions (l. c. n. 385). 418. — Requirement III. The sacred vestments must be blessed by the Bishop, or by another who has the power granted by the Pope. He sins gravely who celebrates without the alb, or the stole, or the maniple, or with these not having been blessed (unless a serious necessity excuses it); however, some Doctors do not improbably say that it is also a sin for the celebrant to be without the cingulum, or to have it removed (l. c. n. 377). Regarding the cingulum, the Holy Congregation declared on January 22, 1701, that it is more fitting for a priest to use a linen cingulum than a silk one. However, vestments are condemned when they lose their proper use, namely, if a sleeve is cut off from the alb; the cingulum, if it is torn in such a way that neither part can encircle the waist; the stole, if it cannot cover the shoulders; or if a part of it is torn in such a way that its form is lost, and it cannot be repaired; for when the form is destroyed, the parts cease to be sacred (l. c. n. 568 ad 371). However, the color of the vestments is preferably that which is prescribed, although not with grave necessity (l. c. num. 578. dub. 5.). 419. — Requirement IV. The corporal must be blessed and made of linen, or cotton (l. 6. n. 386). However, the corporal is condemned if it is so broken that it can no longer decently contain the chalice and paten with the Host (l. c. n. 571). Care must be taken that the corporal is not very unclean, in which, Suarez, Laymann, and Tamburrini say that one can also gravely sin; although Tamburrini adds, from the same Suarez, that it is difficult for a corporal to become very unclean. However, to use a corporal, and other vestments, which are not very unclean, is not excused from venial sin, unless others cannot be obtained, as Croix, with Suarez, and Gobat, say. Indeed, Tournhem says that in necessity, namely, if a priest or others were to omit a Mass that is required, it is permissible to use a corporal that is even noticeably unclean (Lib. 6. n. 371). 120. — V. The pall also must be blessed, and made of linen, or cotton, at least on the inner part, as Suarez says, but according to a decree of the Sacred Congregation, the pall should not have its upper part covered with silk. However, it is not improbable that Sotos and others say that to celebrate without a pall is not

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a mortal sin, since it does not immediately touch the sacred species (l. c. n. 388). Requirement 3. Purifica-

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421. — It is required that the chalice be blessed; it is not probable that it should be dispensed with (l. c. n. 589).

It is commonly said, and it is probable, that Suar., Vasq., Laym., Pal., Lugo, Salm., Croix, etc., do not hold that the celebrant sins if he celebrates without a Missal, provided that he knows well what must be said by heart, and that, from past experience, there is no danger of him erring. However, the Missal of religious orders (that is, celebrating according to their rite) is a mortal sin even in their own churches (l. c. n. 590).

It is required that the minister be under a grave obligation, at least until the offering, unless necessity demands that the Viaticum be given, or even that the sacred rite be omitted on a feast day. The minister must be a man, for women are strictly forbidden under grave guilt to minister immediately at the altar. However, Laym., Suar., Tourn., Mol., Homob., etc., commonly say that he does not sin gravely who celebrates with a woman responding. Indeed, Palud., Wigandt, Tourn., Lugo, Laym., etc., say that it is well permitted that women sometimes respond from a distance, especially if they are nuns, provided (as we have said) that they do not minister immediately at the altar (l. 6, n. 591 and 592).

422. — It is required that there be a cross with a crucifix, even if the Blessed Sacrament is exposed on the altar, as is stated in the ceremonial of bishops, and in the decree of the Holy Congregation (1).

Whether it is a mortal sin to celebrate without a cross? Laym., Suar., Bonac., Tourn., Conc. Hab. Merati, etc., commonly deny this. But it must be noted that Benedict XIV, in a decree addressed to all bishops, dated July 16, 1746, beginning with "Accepimus" (see in Bullarium), has the following words *in fine*: "Therefore, we command you that you in no way allow the divine rite to be performed at such altars, unless a crucifix is so prominently displayed among the candlesticks that the priest and the people can easily and conveniently see the same crucifix; which cannot happen if only a small cross is affixed to a small tablet and shown to the faithful." Earlier in the same decree, he said: "We cannot permit in any way that the sacrifice of the Mass be celebrated in these altars which lack an image of the crucifix, or if the same is placed in a way that is inconvenient before the priest." (1) Compare l. 6, n. 593.

[*Latin ed. p. 265*]

Whether the flame be flickering, or so thin and meager that it almost blinds the eyes of the priest and the attending people. Hence, it should also be noted from the ceremonial regulations of bishops, that if a statue of the Crucifix is present on the altar, another crucifix should not be placed

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there. This is confirmed in the aforementioned decree of Benedict, where it is stated, according to the opinion of Pasqualigi, Quarti, and Giribaldi, to which the Sacred Congregation of Rites conformed in a certain decree at Merano (n. 400), that it is permissible to depict or conceal the Crucifix on the main altar table. Furthermore, Pignat also teaches (Vol. 9, Consultation 89) that it is not necessary for the crucifix, or other sacred images, to be blessed (l. 6, n. 593). The ninth requirement is two candles lit with wax; not with tallow or oil, unless it is necessary to celebrate, but not if it is done out of devotion (l. c., n. 594). The tenth and final requirements are the burse, veil, pall, and manutergium; but to celebrate without these, when none of them are available, La Croix rightly says, is not a sin (l. c., n. 595). To celebrate with the head covered throughout the entire Mass is a mortal sin; otherwise, it is only a sin up to the Canon (l. c., n. 597).

425. — Note 1: That Neo-Presbyters, when consecrating with a bishop, truly celebrate, even though they offer one sacrifice; in which, however, the primary celebrant is the bishop, and the priests are also total causes of consecration, but moral causes, which produce one effect: in distinction from total physical causes, which cause diverse effects. Each one ordained to the priesthood should then pronounce the words of consecration, with the intention of consecrating, but under the condition that they conform with the bishop's words at the same time; otherwise, they would sin gravely (l. c., n. 252).

424. — Note 2: That the bishop commands the Neo-Presbyters to celebrate three Masses: one for the Holy Spirit, another for the Blessed Virgin, and a third for the dead. But is there a serious obligation to say these Masses? Suarez, Laym, Azor, etc., affirm it. But Soto, Pal, Val, Pelliz, etc., deny it. However, two things seem certain: 1. that those who transgress this precept of the bishop at least sin venially; 2. that such a precept does not obligate to offer the Masses for the bishop, since it is not expressed; much more so because he adds: And also pray for me. Note, however, that those three Masses are to be said.

[*Latin ed. p. 266*]

These are the first days in which votive Masses may be said (l. 6, n. 829).

125. — It should be noted that, as is commonly taught, the Mass must be celebrated solemnly, briefly, clearly, devoutly, and exactly. Solemnly, that is, so that those things which should be said solemnly are not said in a subdued manner: but rather, they should be pronounced in such a way that at least those present can hear them, as the Rubric states; otherwise, the celebrant is not excused from fault, but only from venial sin. The same must be said of one who recites aloud those things which should be said in a subdued manner. Indeed, Gavantus and Quarti believe that it is a mortal sin to say aloud in a loud voice those things which should be said in a subdued manner (but they do not sufficiently prove this with reason); and

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La Croix agrees regarding the words of consecration, saying that he who would pronounce them so loudly that they could be heard for ten paces, where there is a large gathering of people, would sin mortally; but Father Concina does not dare to approve of this (l.c. n. 415 and 416). Briefly, that is, so that, speaking generally, the time does not exceed half an hour, as the Rubric warns, so that the Mass is not said too slowly, lest those listening be afflicted by boredom. The Rubric adds, "Nor too hastily"; hence, Cardinal Lambertinus wisely says (Notif. 54, n. 50), along with others, that the Mass should not be longer than half an hour, nor shorter than a third of an hour, that is, a third of the hour. How those sin who celebrate it more quickly is explained in l. 6, n. 400, where we said that one who celebrates a Mass (even a Mass for the dead) and completes it in less than a quarter of an hour is not excused from a grave fault. Clearly, that is, without mutilating the words; if this is a notable omission, and the meaning is changed by it, it will be a mortal sin (l. 6, n. 407). Devoutly, that is, without distraction; if this is voluntary in the canon, and especially in the consecration and the reception of Communion, it is a mortal sin, as Tamburinus holds, although some disagree. If it occurs outside the canon, the same is said as was said about the canonical hours (see n. 75). Exactly, that is, so that nothing is omitted of those things which must be said. Here it should be noted that if ordinary parts are omitted, namely those which are always said or done in the Mass, it will be a mortal sin if the omission is notable, as would be the case if one were to omit any prayer in the canon, or the Our Father, or the breaking of the host with its mixture in the chalice, or the purification of the paten and chalice after Communion, or the eight or ten words of the canon. Similarly, it will be a mortal sin outside the canon to omit the entire Introit, or two of the principal collects.

[*Latin ed. p. 267*]

It is permissible to omit the epistle, the gospel, the offertory, or the mixing of water into the wine for consecration. However, it is only permissible to omit the Psalm *Judica*, or *Kyrie eleison*, one of the collects, one or both crosses placed upon the paten, the touching of the breast, or the washing of the fingers, and it is likely that the same applies to the reading from the Gospel of St. John (lib. 6, n. 406). Thus, it is also permissible to omit only the extraordinary parts, such as the *Gloria*, the *Credo*, the *Sequentia*, the *Tractus*, the proper preface, or the *Communicantes*, and *Hanc igitur propria*; but generally, all are included, unless those parts are omitted which, when taken together, would constitute a noticeable amount, as the Council and Wigandt rightly observe, whatever Quarti and Pasq. may say (lib. c., n. 409).

426. — Note that votive Masses, or Masses for the dead, are prohibited on Sundays, and on double feasts, and on privileged octaves; unless grave reasons exist, namely, if a public necessity arises, if there is to be an expo-

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sition of the Blessed Sacrament for 40 hours, or on the day of someone's death in the presence of the body, etc.; but these prohibitions apply only to the solemn Mass (lib. c., n. 421). Whether, however, votive Masses are forbidden on the aforementioned feasts under grave penalty? Generally, Lugo, Suar., Bon., Escob., Salm., Ronc., and many others deny this. However, Escob. and Ronc. rightly limit this, stating that if a solemn feast occurs at that time, it should be avoided at least to prevent a grave scandal to the people. Indeed, in double feasts, Masses for the dead are strictly prohibited in the decree of the Sacred Congregation, approved by Alexander VII; but in many cases, Masses for the dead may be sung even on greater double feasts, namely: 1. On the day of someone's death in the presence of the body; and this even on a Sunday, or on other solemn days, provided they are not of the first class. 2. When news of someone's death has been received. 3. On the anniversary left by the testator. Also, on the third, seventh, and thirtieth days; but if these days fall on a feast day, they are transferred to the following day, or anticipated under the same rite. 4. On a double feast, if an anniversary is requested for a deceased person, a Mass may be sung. Thus, according to several decrees of the Sacred Congregation of Rites (see lib. c., n. 420).

Except for double feasts, and others as mentioned above, the rubric states regarding votive Masses: Votive Masses may be said in private Masses at the discretion of the priests. But immediately afterwards, it adds: This, however, should not be done frequently, unless for a reasonable reason, such as a special devotion of the priest, or a request for a votive offering from the person making the offering. Therefore, when saying a votive Mass...

[*Latin ed. p. 268*]

These matters are such that, scarcely can one be excused from venial sin (n. 419). Furthermore, the priest is bound to celebrate votive Masses, according to the petition of those offering alms, on days when they can lawfully be said. It should also be noted, as stated by D. Th. (Suppl. q. 71. a. 9. ad 5.), that the Mass for the repose of the soul is more beneficial to the deceased because of the prayers that are said in it.

127. — It should be noted that it is not permitted to offer the Sacrifice more than once in a day, except in these cases: 1. to administer the Eucharist; 2. if on a feast day, persons arrive who ought not to miss the Holy Sacrifice, such as a king or a bishop; 3. if a pastor has two parishes that are distant from each other, and otherwise the people of one parish would be deprived of Mass on a feast day of precept. Pope Benedict XIV, in the Brief, *Declarasti*, published in the year 1746, points out that in this matter, it is always possible to obtain permission from the bishop, even if a necessity seems to intervene. Furthermore, he points out that of the cases mentioned, only the case in which the parishes are distant is customary. It should also be noted that formerly, it was permitted for a priest on a Sunday, after the

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Mass for the people, to say another Mass for the dead, in the presence of a corpse; but the same Pope Benedict XIV, in the Indult, *Quod expensis*, etc., granted on August 26, 1748, in §. Nova, circa sin. declared that this is no longer permitted today, since it is permissible for a priest to say a Mass for the dead, and to postpone the Mass for the people to another day of the week.

128. — It should be noted that if, while the Mass is being celebrated, the church is profaned, or an excommunicated person enters who is to be avoided, and who refuses to leave after being warned, then the priest must dismiss the Mass before the consecration; afterwards, however, he should continue until the reception of the Sacrament, and then immediately leave. Finally, it should be noted that, once the consecration has been made, it is never permitted to interrupt the Mass, except only to baptize or to absolve a person who is already dying; thus, the Doctors commonly teach (l. 6. n. 554.).

§. III. Of the power of the priest.

129. — The priest, by the power of the order he has received, can consecrate the Sacrament of the Eucharist, and also minister, except for the Paschal Communion; for other things, jurisdiction is required. Therefore, he cannot, without the permission of the pastor, baptize, nor administer Extreme Unction, nor administer the Eucharist, nor assist at a marriage; and without the permission of the bishop,

[*Latin ed. p. 269*]

It is expressly, or at least presumed, that confessions cannot be received outside of a case of necessity, nor even those of venial or mortal sins previously confessed, according to the decree of Innocent XI (see above, Book 6, no. 345), because it is stated in the Council of Trent that the reason for the judgment exercised in the administration of Penance requires that the jurisdiction be exercised only over those subjects who are assigned to a priest by the license of the Bishop.

450. We have stated above (no. 35) that those who are to be ordained to the priesthood must have knowledge of at least those things which are commonly known in order to receive the confession of a dying person. Therefore, it is important here to note a few of the more principal and necessary things.

To be noted: 1. A simple priest cannot absolve a sick person in the presence of an approved confessor, except in the following cases: 1. If the approved confessor is unable or unwilling to receive the confession. 2. If the approved confessor is excommunicated or suspended. 3. If the approved confessor is only approved in another diocese. 4. If the sick person so fears confessing to him that he is in danger of concealing his sins. 5. If the approved confessor arrives after the confession has begun with a

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simple priest. 6. If the approved confessor is involved with the sick person in a scandalous sin (as stated above, Book 6, no. 363).

To be noted: II. If the dying person requests absolution, or gives signs of repentance to the priest present, he must absolutely be absolved; if, however, he is deprived of his senses, and another is present who testifies that he requested the confessor, or showed signs of repentance, then some say that he can also be absolutely absolved; but it is safer, as we say with others, to absolve him conditionally. And we believe that he should be absolved conditionally, even if the dying person has given no sign; indeed, even if he is in the act of sin (see above, Book 6, no. 480 and following).

To be noted: III. A simple priest, in the absence of an approved confessor, can absolve the faithful from any sins and censures, not only at the point of death, but also in a probable danger of death. It is considered to be in danger of death not only he who suffers from a disease that is immediately dangerous to life, but also he who undertakes a long voyage, or a woman who is in difficult labor; also, he who is in danger of falling into madness; moreover, he who is a captive among infidels, lacking hope of freedom, and lacking an approved confessor.

To be noted: IV. A sick person who is absolved from reserved censures must be warned that, if he recovers, he is obligated to present himself.

[*Latin ed. p. 270*]

Furthermore, he will relapse into those same censures; otherwise, if he is absolved only from reserved sins without censure. Finally, it must be noted that each priest, in order to be suitably prepared to hear the confessions of the sick, must at least be familiar with the universal principles of moral science. § IV. Concerning the duty of teaching and preaching. 451. — When a priest is also charged with teaching the people and preaching the Gospel, it is fitting here to note what must be taught and how the Gospel should be explained. Regarding the former, it is necessary to teach four things essential for salvation, namely, faith, hope, charity, and good works. And 1. Regarding faith, because God, who is an infallible truth, has revealed to the Church, we are bound to explicitly know and believe that God exists and is the rewarder of those who seek Him; and the mystery of the Most Holy Trinity, and the Incarnation of the Son of God. These are necessary for the means [of salvation]. Concerning the necessity of the precepts, everyone is also bound to know and believe the Our Father, the Angelic Salutation, the precepts of the Decalogue and of the Church; also the Sacraments, especially those which all need, namely Baptism, the Eucharist, and Penance, and others, at least as they are received. 2. Regarding hope, because God, who is Almighty, merciful, and faithful, has promised, for the merits of Jesus Christ, that we should hope for eternal blessedness from God, and the means of attaining it, namely, the forgiveness of sins, and final perseverance. 3. Regarding charity, because God is infinite goodness, we are bound

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to love Him above all things; to this precept is added another of charity, namely, to love our neighbor as ourselves. 4. Finally, for obtaining salvation, good works are also necessary, by observing the commandments of God and the Church, which are contained in the Decalogue and the precepts of the Church. 452. — As for the second duty of explaining the Gospel, or Scripture, it should be known that it has two senses, the literal and the mystical: The literal sense is that which is signified by the very words. The mystical sense is not signified by the words, but by the thing which the words signify; for example, when it is said: "If thy eye scandalizes thee, pluck it out, etc." Here, the cutting off of the eye is not commanded, but scandal or occasion. The mystical sense is divided into three others.

[*Latin ed. p. 271*]

1. In the allegorical sense, that is, pertaining to things to be believed.

2. In the anagogical sense, pertaining to goods to be hoped for.

3. In the tropological sense, pertaining to morals.

Regularly, the words of Scripture ought to be understood in the literal sense, unless there is an absurdity, as when it is said: "The stone was Christ," and similar passages.

Often, the texts of Scripture have both senses, the literal and the mystical. It is often fitting for priests to use the mystical sense in their sermons, especially if it is tropological, or moral.

It is also permissible to use, at times, the sense called accommodation, provided that this is done piously and prudently. FINIS.

[*Latin ed. p. 272*]

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[*Latin ed. p. 273*]

SUMMARY OF MORAL AND CANONICAL DOCTRINE, EXTRACTED FROM THE CONSTITUTIONS AND OTHER WORKS OF THE BLESSED MEMORY OF BENEDICT XIV, POPE, BY THE MOST ILLUSTRIOUS AND REVEREND JOHN DOMINIC MANSI, ARCHBISHOP OF LUGO, OF THE CONGREGATION OF THE MOTHER OF GOD. BY THE AUTHOR, WITH NUMEROUS ADDITIONS AND CORRECTIONS.

[*Latin ed. p. 274*]

TO THE READER, BY THE EDITOR. There are many things pertaining to Moral Theology and Canon Law which Pope Benedict XIV, of immortal memory, had scattered throughout his truly golden works, and which it is entirely shameful for those who study moral science to ignore. But since not all can acquire or read all of those various works, it opportunely occurred to Father John Dominic Mansi, then of the Congregation of the Mother of God, and later Archbishop of Lugo, a most learned man; and not only in Italy, but throughout the entire literary world, renowned for his most excellent books, to compile a certain summary of the entire doctrine of moral and Canon Law extracted from the works of that Pope. Therefore, since we have learned how much the labor of this most learned man has been approved by all theologians, we have considered it a service to them if we were to now, for the first time, have this work, amended in several places by the same most illustrious Author, and illustrated with new additions, printed by our presses. Therefore, receive it, kind reader, and do not scorn our effort for the public good. Farewell.

[*Latin ed. p. 275*]

SUMMARY OF MORAL AND CANONICAL DOCTRINE FROM THE WORKS OF BENEDICT XIV. Regular abbots, who do not have charge of

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souls, are in no way obliged to attend the diocesan synod, as is stated in the decree of the Holy Congregation concerning diocesan synods, book 3, chapter 1, paragraph 8, and again in book 12, chapter 1, paragraph 2. (1) Abbots, priors, superiors, and those called by any other name; Cardinals also, exercise spiritual jurisdiction, as if they were bishops, in monasteries or churches with a separate territory.

(1) In citing the aforementioned work, *De Synodo Diœcesana*, we have followed the Mechtin edition of the year 1825.

[*Latin ed. p. 276*]

Having obtained possession, they must swear, in the presence of a Bishop or an apostolic nuncio or legate, at their discretion, that they will personally and through themselves visit the sacred thresholds of the Apostles, and render an account to the Roman Pontiff of the state of their churches. Those, however, who are from Italy or the islands of Italy, must do so every third year; the others, every fifth year from the day of obtaining possession. If, however, they cannot do so in person due to a legitimate impediment, they are bound to provide the account through messengers. Thus, in the Bull *Quod Sancta*, n. VII. If, however, before the publication of this Bull, signed in the year 1740, on the ninth day before the Kalends of December, they had already peacefully obtained possession of those churches, they are bound to send that account within one year, if they are in Italy and the islands; within two years, if they are outside of Italy, from the date of the promulgation of the constitution; and then, every three years, to present themselves at the thresholds. If they fail to do all of this, they incur, by this very fact, interdict from entering the church and suspension from the administration of both spiritual and temporal affairs; they are also deprived of the fruits: which fruits are to be given to the neighboring Bishop for sacred uses, at his discretion. Ibid., n. 9. ACTS OF FAITH. An act of faith must not include only, in general, whatever faith dictates, but also explicit belief in those mysteries which they ought to know. *Inst. Eccl.* 72. ADVOCATES. Rescripts, and briefs granting permission to monks, even those of regular canons, to exercise the office of advocate, are never granted, which is in accordance with canon law. *Ex parte tua, de postulando*. *De Syn. Diæc.*, book 15, chapter 10, n. 12. To secular clergy, even those holding benefices, and who have received the sacred orders, it is permitted to exercise the office of advocate in ecclesiastical tribunals, in civil matters, and before a secular judge, when a case is being brought by themselves, or by their church, or by poor persons. Although, in the briefs, it is freely granted to a poor secular priest to freely conduct civil and criminal cases, provided that he only defends the accused in criminal cases; and he may also exercise that office more

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extensively.

[*Latin ed. p. 277*]

It is permitted to them, until they obtain certain ecclesiastical revenues sufficient for their proper support, or a residential benefice. From the Synod of Dioceses, book 13, chapter 10, paragraph 12.

ALIENATION. The alienation of immovable property, and of valuable movable goods, is also forbidden to religious orders, even those deserving of special mention, according to the decree of Urban VIII, dated September 7, 1624. However, this must be understood with regard to the incorporated goods of the Church. But those goods which are not incorporated and which must be alienated, such as the properties left to the Reformed Fathers of St. Francis, cannot have their syndics proceed to their sale, unless with a previously published edict, so that they may be sold to the highest bidder. Thus, according to the decree of the Sacred Congregation of the Church, number 69, paragraph 8.

The alienation of goods of lesser value, which are included in the chapter called "Terrulas," must also be carried out by religious orders with the permission of the Bishop. Church Law, number 69, paragraph 9.

Those who alienate, and those who receive goods alienated in violation of Church law, incur the pontifical excommunication. Ibid., paragraph 40.

However, religious orders, in addition to this, incur by the very act the penalty of deprivation of office, according to the decree of Urban VIII. Ibid.

Although, according to Canon 12, question 2, it is the right of a Bishop who is establishing a new monastery in his diocese to be given one-fiftieth of the revenues of his Church; yet, when Bishops are consecrated, they swear not to alienate the possessions pertaining to their table; hence, the Sacred Congregation has rightly declared that this, and any other alienation, is forbidden to the Bishop. From the Synod of Dioceses, book 12, paragraph 13.

ALTAR. To priests of the Latin rite residing in Polish Russia, both present and future, it is granted that, when consecrated stone altars are lacking, they may celebrate Mass upon the antimension of the United Ruthenians. However, it is prescribed to them that they perform the sacred rites according to the Latin rite. There are certain antimensions of linen, consecrated by the episcopal blessing, in the corners of which the relics of the Saints are hidden. Constitutions, Imposito nobis.

[*Latin ed. p. 278*]

PRIVILEGED ALTAR. In documents concerning a privileged altar, the number of Masses to be celebrated daily in the church is usually specified. However, the Sacred Congregation declared on September 11, 1694, that if, on certain days, this number of Masses is lacking, provided that, more frequently throughout the week, the total number of Masses required by

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the privilege is celebrated, this is not sufficient. This decree was approved by Innocent XII, from which it follows that the specified number of Masses must be celebrated each day. *Instit. Eccles. 56, n. 16.* The indulgences of the altar, when the specified number of Masses is lacking, if it should happen during Advent and Lent that the number cannot be fulfilled in the churches of Regular clergy, remain suspended. On the other days of the year, if this should rarely happen, they do not remain suspended, nor do they remain suspended if, due to the infirmity of priests, whether secular or Regular, this rarely happens. Thus, the Sacred Congregation declared on July 5, 1706. *Ibid., n. 17.* APPEAL. All appeals and inhibitions, by which the execution is delayed or the process is impeded in those matters whose execution has been entrusted by the Council of Trent or by apostolic constitutions to the local Ordinaries, are to be rejected by the tribunals, with the addition of the clause that the appeal or inhibition, whatever it may be, is postponed, as stated by the Pope in the Bull *Ad militantis*. These appeals and inhibitions, if granted, are invalid, besides violating this statute. *Ibid., n. 58.* However, exceptions are made for cases that may arise, which should be excused from this rule; in such cases, it is forbidden to issue warnings or citations, unless first in a written petition, the particular circumstances pertaining to this matter are clearly explained, along with some document that at least partially verifies the same circumstance. *Ibid., n. 59.* ASPERSORY. When a Bishop enters a collegiate church, an aspersory should be presented to him, not by the Archdeacon, or by others of the chapter.

[*Latin ed. p. 279*]

but from a higher rank within that Church. If, moreover, the cathedral chapter, with its members wearing canonical garments, proceeds to some church within its diocese, the person of higher rank from the cathedral chapter should precede them. *Instit. Eccles. 105, n. 128, from the Decree of the Sacred Congregation for the Sacraments, BAPTISM.* Baptism should be conferred upon newborn infants without delay, and those who postpone it for a long time sin gravely: and by a broad decree, it was commanded in Rome in the year 1725 that the infant be baptized within three days. *Instit. Eccles. 98, n. 3.* It is not permitted to administer baptism without necessity in private homes. *Instit. Eccles. 98, n. 9.* No private error of the baptizer affects the validity of Baptism, provided that nothing is innovated in the matter and form. *De Synod. Dicœc. 1. 7, c. 6, n. 9.* An infant, whose body has not yet emerged from the mother's womb, but which is about to emerge from the maternal womb and is feared to be dying, should be baptized with water using some instrument; but it must be baptized conditionally. *De Synod. Dicœces. 1. 7, c. 5, n. 6.* If, however, only a part of the infant's body has emerged, and not the head, it must be baptized conditionally on that part, whatever it may be, as the Roman

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Ritual prescribes; (although many theologians hold that, when that part is one of the principal ones, such as the chest, shoulders, arms, etc., it must be baptized again conditionally on the head, if the entire body has emerged). If, however, only the head has been seen, it must be absolutely baptized. *Ibid. n. 7.* Baptism with a condition attached is not conferred without a mortal sin, unless a prudent reason for doubt exists as to whether a valid baptism has already been conferred. *Ib. c. 6, n. 3.* If only one witness affirms the administration of Baptism, such as a midwife, and she testifies about the fact itself, this alone is not sufficient to repeat the Sacrament; provided that, when questioned, she demonstrates that she knows the matter and form of this Sacrament. The same is to be done in places where midwives, before taking up their duties...

[*Latin ed. p. 280*]

These matters are usually taught when instructing on the proper manner of administering Baptism. Ibid, n. 4. A single witness, even if a woman, is sufficient to prove the Baptism. Canon Parvulos, and Canon Cum itaque de consecr. Dist. 4. Inst. Eccles. 98, n. 15. However, if the testimony is from an uncertain person, we cannot proceed with an unknown testimony in a matter so grave; therefore, the child must be rebaptized, under the condition that, even if a certificate of having received Baptism is suspended around his neck, as the Sacred Congregation of Councils responded on January 15, 1724, in De Synod. Diæces. lib. 7, c. 6, n. 5. If, however, the matter concerns those baptized by heretics who seek to come to the Roman faith, then it is necessary to investigate whether anything has been altered concerning the matter and form of Baptism within that heretical sect. If nothing certain results from this investigation, then, as in a doubt, Baptism must be administered. This doubt is a reasonable one concerning the Baptism of the heretics of Holland, among whom it is customary for one to pour the water, while another pronounces the formula. Therefore, even now, as in a doubt, it must be treated as if dealing with them, just as it is treated with the heretics of England, as established by Sylvio and others. Ibid, n. 8. The irregularity arising from the repetition of Baptism is incurred even if Baptism is administered without a prudent doubt, under the condition, as is deduced from the Roman Catechism with great probability. Instit. Eccles. 84, n. 18. It is generally agreed among all that this penalty affects the baptizer as well, not just the baptized. Just as those affected are not only forbidden to ascend to higher orders, but are also deprived of the exercise of the orders they have already received, so too, the opinion that is more consistent with the authority of the Roman Catechism is given preference over that of one who denies it. Ibid, n. 18. It is to be admitted that a Hebrew infant can be admitted to Baptism, requested by a Christian paternal grandmother, even if the Hebrew mother objects, and the testamentary guardians, as the Pope states in a letter to the Reverend Father Jerome Guglielmi, assessor of the

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Congregation of the Holy Office, because the grandmother can be included under the appellation of parents, and the favor of religion easily prevails over the mother and other testamentary guardians.

[*Latin ed. p. 281*]

As a Christian mother requests baptism for her child, prevailing over a non-believing father who objects, and if any doubt should remain, the decision must favor religion. You have this letter in the Bullarium of Benedict XIV. It is licitly permissible to baptize non-believers against the wishes of their parents or guardians, unless the children are at the point of death, or are abandoned as if deserted by their parents. However, if someone takes an abandoned child to be baptized, the saving laver can be administered to him, even if the synagogue or the parents object. If, however, a non-believing father offers his child, then repents of his actions, and does not wish to be baptized, then the child, before the use of reason, must be baptized; but if they are capable of reason, they must be examined in the house of the catechumens, if they wish. Finally, if a child has been baptized against the wishes of the parents, then he who baptized him has committed a grave sin, but the baptized child should not be returned to the parents; rather, he should be raised by Christians. Furthermore, in that case, baptism is proven by a single, suitable witness, even if it is a woman, or even if it is the one who administered the baptism, in which case the child is not to be rebaptized under any condition. Regarding children before the use of reason; but those who are capable of reason, as is commonly the case after the age of seven, if they spontaneously offer themselves for baptism, they can be baptized; this is true, even if it is not certainly known, but if there is doubt about the capacity of reason after the age of seven. If such doubt precedes the age of seven, then the child must remain with the Christians, with baptism suspended in the meantime, until a certain use of reason becomes evident. If adults lack the intention of receiving baptism, so that they do not have it either in the act itself, or before, then the baptism is invalid. However, it is valid if it was present beforehand, and was never subsequently retracted. If, however, there is no will in the recipient, then the judgment must be inclined towards the opinion that declares the baptism invalid. If, after baptism, the neophyte affirms that he lacked a sufficient intention, and does not bring forth suitable proofs of his statement, he must be retained and baptized again under a condition. Conversely, if he brings forth such proofs, and denies that he wishes to be baptized again, he must be dismissed. All of these things are extensively discussed by the Pope in the Letter to the Vicar, in the Last Month.

[*Latin ed. p. 282*]

If a pregnant woman should die, the Bishop can order that the infant be extracted from the womb by means of a Caesarean section, should it be

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considered alive, for the purpose of administering the sacred sacrament of Baptism. For it is not impossible that the infant be extracted alive. (From *De Synodo Diocesana*, Book 11, Chapter 7, paragraph 13.)

The Bishop is not, by his own authority, obliged to administer Baptism to those afflicted by pestilence; for he is, as it were, a universal cause, which operates not by himself, but through particulars, that is, through the parish priests; unless another is present who can perform this duty. (From *De Synodo Diocesana*, Book 13, Chapter 19, paragraph 6.)

When conferring Baptism, Greek priests may use the Latin form in place of their own, as found in their Euchology: "May the servant of God N. be baptized in the name, etc.," and they may also use the triple immersion or sprinkling with all the unctions upon the baptized, provided that this is not contrary to custom. However, Greek priests are forbidden to anoint their baptized with chrism on the forehead. It is permissible, conversely, to use warm water in Baptism, and it is permissible for Greek parish priests to baptize their subjects with water blessed according to the Greek manner. Furthermore, they are forbidden to administer the Holy Communion under both species or under one species to baptized children, nor are they to consecrate the Eucharist in the Mass for these same children. Children of a Latin father and a Greek mother are to be baptized according to the Latin rite. If, however, the father is Greek and the mother is Latin, it is permissible for the father to choose the rite. Those baptized according to the Greek rite are subject to the jurisdiction of Greek parish priests, and they cannot, without a dispensation from the Apostolic See, pass to the Latin rite. Conversely, a Greek may, with the permission of the Latin Bishop, pass to the Latin rite. Those who are clerics, even in a lesser order, may not pass from the Greek rite to the Latin rite without permission. It is permissible for Greek priests, after the consecration has been completed and before Communion, to pour their warm water into the sacred chalice. It is not permissible for Greek priests to reserve the Sacrament of the Eucharist throughout the entire year. It is not permissible for Greeks residing in Italy and the islands to retain a particle of the Eucharist suspended around the neck, or in private homes. These things must be observed by the Greeks in the administration of the sacraments.

[*Latin ed. p. 283*]

And Benedict XIV diligently pursues the reception of these matters in the same Bull, *Etsi Pastoralis*, of which some have been excerpted by us here and distributed throughout his titles. In the Bull *Quam provinciale*, the Pontiff commands that the canon of the Third Provincial Council of Albano Laziale be observed, by which it is decreed that no Turkish or Mahometan names be imposed upon the faithful who reside under Mahometan jurisdiction, nor may such names be given to them even outside of baptism, whatever the reason may be. BARBERS. In dioceses where the

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custom of practicing the art of barbering exists even on feast days, it may be permitted; but only on specified days, not on all days. *Instit. Eccles. 43*, throughout. However, it is a servile occupation and is only to be tolerated by custom. *Ibid. n. 2*. BLESSING. The question of whether a simple priest can administer the blessing of sacred vestments, which is a matter of dispute among the writers, is a twofold question. However, archbishops frequently request this faculty from the Congregation. *Inst. Eccl. 21, n. 9 and 10*. Whether the *cingulum* (girdle), the *pluviale* (rain cloak), and the sacred pyx should be blessed is a question among the Doctors. However, the opinion that a blessing is required is considered more probable, since there is a particular blessing for the pyx in the Ritual. *Ibid. n. 12*. If a new item of different form is made from an old sacred vestment, such as a *manipulus* (finger-stall) from a stole, then the blessing must be repeated. *Ibid.* Titular bishops have no right to consecrate sacred vessels with holy chrism, because since the use of the Pontifical is required in these vessels, it is not permitted for them to use these in a foreign diocese. *Ibid. n. 15*. Regular abbots were forbidden by Alexander VII in his decree of September 27, 1659, from blessing bells and chalices for the use of other churches (since they may bless them for their own churches). Consult the Holy Congregation, regarding whether they may bless sacred vestments for other churches, because they have obtained...

[*Latin ed. p. 284*]

The Apostolic Indult? The response is that this indult must be presented, being a genuine document taken from the Apostolic Archives, and in the meantime, it must be withheld. Ibid. n. 49. The blessings and anointings of bells, as indicated in the Capitularies of Charles the Great, are very ancient; Inst. Eccl. 47. n. 50. And we learn that it was customary to give some Saint's name to these blessings. Inst. Eccl. 47. n. 52. Blessings of bells are approved for driving away storms, and it is asserted that this cannot be attributed to the impression of air caused by the bell. Ibid. §. 57. Only the Bishop has the right to bless bells, since the sacred unction must be applied, and he cannot delegate this power to another. Ibid. n. 58. According to the instruction of the Roman Pontifical, bells of churches must be blessed. Ibid. The Bishop can suspend the ringing of bells that have not been blessed by a Bishop, as decreed by the Sacred Congregation. Ibid. A formula is available for the blessing of horses and other animals on the feast day of Saint Anthony the Abbot. Inst. Eccl. 47. n. 12. Blessings are also given for worms and insects. Ib. n. 20. It is proven, whatever some may say, that blessings with relics are not to be disapproved, as is also demonstrated by the practice received even in Rome. Ibid. n. 26. In the Pontifical Blessing over the people, which is granted several times a year according to certain regulations by privilege, only one sign of the cross must be made in the manner of a priest, not three in the manner of a Bishop. Encycl. Exemplis. Pope Benedict XIV, in the

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Encyclical addressed to all Ordinaries, PIA MATER etc., extends the faculty of blessing the dying with a plenary indulgence, which the Ordinaries of Churches have obtained with letters in the form of a *breve* for three years, for the entire period during which they will remain in that diocese, and afterwards he declares that these faculties should be granted in this manner, and he also wants them to be common to lower prelates with a separate territory, without any distinction, and with active jurisdiction over the people and the clergy. He grants the power to delegate this, so that, even if they are somehow hindered, they may be able to administer this blessing through delegates of the clergy, even during the daytime. This delegation should be made primarily through the diocese.

[*Latin ed. p. 285*]

That they may be able to serve all, so that the delegation conferred by the one who delegates, does not expire with his death, but perseveres until the arrival of a new prelate, whose prerogative it is to confirm or remove them. Therefore, the new prelate must receive the same authority from the Pontiff, but not the delegates themselves, because the delegation of the former bishop continues in them; thus, the Pontiff. Ibid. However, if a prelate is transferred from one diocese to another, he will need a new delegation, because the previous one was granted with regard to the preceding diocese. The rite for conferring this blessing is described in the same Encyclical. Three blessings are conferred upon abbots regular, according to the decrees of Alexander VII, at solemn Masses, Vespers, and Matins. In private Masses, nothing beyond what is granted to other priests is conceded to them. From the same decrees. *Instit. Eccles.* 54, n. 19. BENEFICE. If someone establishes a benefice from their own goods with a stipulation, so that they themselves may enjoy it as a beneficiary, then after their death, the right of patronage passes to the heirs, although this is considered simoniacal by many; nevertheless, it can be considered free from this fault, because there does not appear to be a sufficient distinction between one who establishes a benefice with a stipulation to confer it upon his son, etc., and one who wishes it to be conferred upon himself; in both cases, a stipulation is present, thus, according to Pitonio. *Instit. Eccles.* 95, n. 7. If someone offers goods to increase an already established benefice, but does not acquire the right of patronage, then they cannot stipulate that the benefice be conferred upon them, as stated in Chapter *Tua nos*, concerning simony. Ibid., n. 12. The patron cannot present themselves for the benefice, as stated in Chapter *Per nostras*, concerning the right of patronage, but they can request the bishop that, if they are found worthy, he confer it upon them; or they must sincerely donate their right of patronage to another, from which they will be permanently excluded from the right of patronage, when the bishop approves the donation, or at least, the bishop confers the benefice upon another without prior presentation, and the beneficiary accepts it,

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then, after the conferral, the latter must give their consent. *Instit. Eccles.* 95, n. 5. Benefices resigned under a pension, if secretly a pact is made... Tom. IX. 24

[*Latin ed. p. 286*]

If, when resigning, an agreement is made with the recipient regarding the relinquishing of the pension, or the right to demand the fruits of that pension, in exchange for an advance payment, this agreement is declared void and null. Furthermore, the resigning party and the recipient are, by this very act, deprived of all right to the benefit without any declaration by a judge, and the money paid must be returned under a grave penalty, which is to be enforced by the Ordinary for pious purposes. The same penalties apply to such agreements entered into within six months from the date the recipient takes possession of the benefice. In the Bull *In sublimi*, and in the Bull *Ecclesiastica ministeria*, the Pope mandates that in the case of resignations of benefices, when a benefice is in the hands of the Pope, and he admits someone to it, and in turn admits someone else to a provision, disposition, etc., regarding it, letters of grace should be signed within six months, so that within those same months, possession of the benefice should be taken; but if those benefices are beyond the mountains, this term is extended until nine months from the date of the granting of the grace, to be counted from that date. However, if a legitimate reason requires a further extension, it is permitted, after prior notification to the official in charge of apostolic letters, to grant a further extension for the first and second time; all further extensions are prohibited. And if a legitimate impediment is demonstrated to the Datary, it is permissible for the Datary to grant as many further extensions as are necessary to remove the impediment, for the purpose of carrying out the apostolic letters. Once the impediment has been removed, if, nevertheless, there is a continued delay in the execution of the letters, then that apostolic grace is considered null and void. If the holder of a benefice enters a religious order, the benefice is not vacant except by profession; during the intervening time between entry and profession, with regard to benefices that are administered, the Bishop must act as he would if a parish priest were prevented by some impediment. With regard to choral benefices, the fruits of the benefice are left to the religious, and the Bishop will determine the distribution of those fruits according to the laws. If, perhaps, the person about to enter a religious order were to relinquish his benefice, such a relinquishment may be accepted by the Bishop according to canon 58 of the decrees of Pope Pius V, or if he made such a relinquishment according to the procedures outlined in chapter XVI, session 28 of the Council of Trent concerning regulations, nevertheless, those benefices must remain in abeyance, and the Bishop may not grant them to another, unless after the relinquishment has been made

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by the person who relinquished it.

[*Latin ed. p. 287*]

The solemn profession. Thus, in the letters addressed to Cardinal Quirin, "Ex quo dilectus." It is also forbidden to those who hold benefices, under the penalty of excommunication incurred by the very act, and the nullity of the act, to sell, and to dispose of, for life, or for a long time, the revenues of their benefices, by receiving from the buyer in one or several installments of money, the amount of which the Beneficiate could probably have obtained during the same period, or throughout life. Bulla Universalis Ecclesiæ. It is permissible for the Major Penitentiary to validate titles of benefices with hidden incapacity, or with some other hidden defect, or even in cases of those who have obtained them through evil means; but in the validation of titles, and the remission of fruits, those who are with Bishops, who have not accepted the office of consecration within the prescribed time for cathedral churches, must abstain. Ibid. §. 21. Neither shall they remit the fruits of benefices and episcopal churches in any way improperly obtained in cases that are not hidden. In hidden cases, they can make a settlement with Italians, Spaniards, Portuguese, and the adjacent islands; with others, they cannot. However, all of this must be done without prejudice to those to whom distributions must be increased. Ibid. §. 24. If anyone already holds a benefice, and is unjustly harassed by another, he can redeem the unjust harassment with money, as all canonists affirm. Inst. Eccl. 93, n. 4. If, however, someone has a right to a benefice, and is sued by another, he cannot give money to the litigant, so that he may acquiesce, nor can he give a title to pay the expenses incurred in the lawsuit up to this point, for then he would be paving the way for himself to obtain the Benefice through money. Ibid. n. 7. To one who lawfully and manifestly holds a benefice, so that there is no room for question, it is permitted to redeem unjust harassment, as stated in chapter "Dilectus" 27, concerning simony; and this can be done without the authority of the Bishop; however, it is permissible for the Bishop to decree in the Synod that it should not be done without his consent, due to the danger of simony. Concerning the diocesan Synod, book 12, chapter 6, n. 9. If the suffrages of the Patrons of a benefice have been divided into parts, he is to be preferred who is chosen by the majority, as is concluded in chapter "Quoniam," concerning the right of patronage. However, if he, whom...

[*Latin ed. p. 288*]

If the majority does not present a candidate, another may be presented by fewer individuals, as is stated in Lambertini, *De Synodo Diœcesana*, book 12, chapter 7, paragraph 6. However, the synodal constitution of the Bishop of Pamplona, which forbade the admission of a candidate presented by a minority, was judged to be valid, for reasons considered in the treatise

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on the diocesan synod, book 12, chapter 7, paragraph 6. If someone obtains a simple benefice, and it is not sufficient for his honest support, he may be authorized by the Bishop to accept another. But if even this is not sufficient, and he seeks to obtain a third, he must obtain a dispensation from the Apostolic See, whether this third benefice is of free collation or by right of patronage, even if it belongs to a layperson; for the Council of Trent permitted that one holding an insufficient benefice may obtain another simple benefice, and it says nothing about a third. And so it is held in practice by the Sacred Congregation, as stated in *Institutiones Ecclesiasticae*, 91, paragraph 7. However, these rules do not apply to chaplaincies by right of lay patronage, nor to pious legacies, as is stated in another decree of the Sacred Congregation. Ibid., paragraph 8. From another decree of the Sacred Congregation, mentioned there, it is deduced that those who, in good faith, have obtained three, or even four, insufficient benefices by the authority of the Bishop, should not be disturbed. Ibid., paragraph 9. When a benefice has been resigned into the hands of the Bishop, or the collator, those who are related by blood, affinity, or family ties to the person resigning, cannot provide for those same benefices, as is stated in Bulla 68 of St. Pius V. Ibid., paragraph 9. Nor may relatives, those related by blood, and family members of the person resigning, be admitted, even when the benefice is to be conferred in competition; firstly, because the Bull of St. Pius, which reads "Admittentium consanguineis," is wrongly excused, when it should be read "Dimittentium consanguineis," as Fagnanus notes in chapter "Non sine," on arbitrators. Secondly, because the Sacred Congregation has decreed that in this case, neither relatives of the Bishop, nor relatives of the person resigning, should be admitted. Ibid., number 11. *De Synodo Diœcesana*, book 13, chapter 24, paragraph 2. However, all of these individuals may be admitted to the benefice, when it has fallen into the hands of the Bishop through the death of the previous beneficiary; for the potential harm that might be feared, when the benefice is to be conferred because of the death of the beneficiary, is less than...

[*Latin ed. p. 289*]

It is possible, when it is to be given from the resignation of the former beneficiary. Thus, from the Diocesan Synod, ibid., n. 6, according to the decree of the Holy Congregation concerning the customs of churches, whereby the fruits of the first year obtained from a benefice are to be reserved to the heirs of a beneficiary who has already died; for this does not detract from the right of him who has newly entered upon the benefice, since he also, after his death, enjoys this right. Therefore, in favor of this custom, it has often been decided by the Holy Congregation. From the Diocesan Synods, book 12, chapter 7, n. 3. Regular canons of the Prémontré order, both secular and regular, are capable of holding parochial benefices and vicarages, even without an Apostolic dispensation, as the Pope

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states in the Bull *Oneroso*, etc. Concerning the illegitimate children of clerics regarding benefices belonging to their parents, in the same church, who may and who may not, etc. See *Irregularitas*. A legitimate son is prohibited from inheriting a benefice previously held by his father, for it would be a species of hereditary succession. However, it is not forbidden that the father may obtain a benefice previously held by his son. This is also true with regard to a benefice obtained by the father from an illegitimate son, as stated in the response of the Holy Congregation. From the Diocesan Synod, book 15, chapter 24, n. 15. Illegitimate sons are considered to be in the same position as legitimate sons in this matter, even those who are subsequently legitimized, but not those who are legitimized after a subsequent marriage, partly from the decrees of the Holy Congregation, partly from Fagnano. Ibid., n. 16. Is it permissible for a son to obtain a benefice which his father held, but which passed to a third party, and from that third party to the same son? It is answered that it is not prohibited for a legitimate son, according to chapter *Ad extirpandas de fil.*; but it is not permitted for illegitimate sons, as stated in the Bull of Clement VII and the responses of the Holy Congregation. Ibid., n. 18. A legitimate grandson, born of an illegitimate father, is not prohibited from obtaining his grandfather's benefice, even if the grandfather is still alive, as stated in the responses of the Holy Congregation and the Rotali decision. Ibid., n. 19. If the patron of a benefice murders the rector, he, and all who have a right to the patronage, lose it, according to chapter *In quibusdam*, concerning penalties. Ibid., n. 21. The exchange of a benefice, which takes place before the Ordinaries, may sometimes be prohibited by the Constitution of St. Pius V, beginning with the words *Officium*, in which these exchanges are indeed permitted, but...

[*Latin ed. p. 290*]

These [provisions] are in conformity with canonical sanctions; therefore, it follows that provisions of benefices that have been resigned in favor of relatives or family members of the Bishop, as well as those resigning, are also considered invalid, and likewise, exchanges of benefices are considered invalid when someone exchanges a rich benefice for a poor one, and is already of advanced age, while the other is young, and the exchange is obtained either from his own relatives or from relatives of the Bishop; for it is scarcely believable that such an exchange is free from fraud, and therefore it is not in accordance with canonical sanctions. *De Syn. dioc.*, book 1, chapter 13, section 24, number 10. Benefices obtained from the Most Holy Roman Church by ordinary Cardinals as collators, and which exceed the value of 24 ducats of the *Camera* during months reserved to the Holy See, are held to obtain a new provision from the Apostolic See within the time prescribed in the Registry, after paying the customary taxes, notwithstanding any privilege to the contrary. By the decree of Pope

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Benedict XIV, *BULLA CRUCIATÆ*. The faculty granted in the *BULLA CRUCIATÆ* concerning the obtaining of absolution from censures, is valid only for the internal forum, as is stated in the Constitution of Urban VIII; therefore, Spanish constitutions that state otherwise are to be rejected. *De Syn. dioc.*, book 42, chapter 1, section 7. CORPSE. If someone uses corpses for the purpose of learning anatomy, and has not obtained permission from the Bishop, he indeed sins gravely, but does not incur excommunication, according to Boniface VIII, as is mentioned in chapter 1, concerning burials, section 6, because that pertains only to those who exhume corpses, mutilate them, and transfer them for burial elsewhere. Thus, according to the interpretation of the Doctors, *Instit. Eccles.*, 74, section 10. If a corpse is to be carried in a procession, preceded by a cross, to the place of burial, and the passage is made through a field or private property, it does not therefore make that way public; for civil laws, from which this could be proven, intend nothing other than that a monument placed in a private place makes that place sacred; and those same laws.

[*Latin ed. p. 291*]

The [certain practices] are abolished, as is demonstrated from the Decrees. *Inst. Eccles.* 89, n. 9. If a body is to be buried in a religious house, the parish priest cannot demand that it be first brought to the parochial church, and there exposed, and then taken to the burial in the religious house, as the Sacred Congregation of the Council judged from the case of a funeral. *Inst. Eccles.* 105, n. 25. From the Decrees of the Sacred Congregation of the Council, it is affirmed that a body should not be removed from the house without the presence, and with the permission, of the parish priest of the place where the house is located. *Ibid.* When a burial church is distinguished from the parochial church, the funeral procession should proceed under the cross of the burial church, and it is not permissible, except by a precise custom, for the parish priest to carry his own cross, unless the chapter of the cathedral intervenes, in which case only the cross of the cathedral precedes. Thus, from the decrees of the Sacred Congregation. *Ibid.*, n. 26. Societies accompanying the funeral, if they proceed with a pall, should stand in the place before the bier, and before the clergy, both secular and regular; if without a pall, they should go behind the bier, as is stated in the statutes of the Roman clergy. *Ibid.*, n. 50. Lay religious [persons] should not participate with the chaplains in the funeral procession, as is affirmed by many. *Ibid.*, n. 32. But if a religious community is invited, which certainly consists of lay [persons], converts, and priests, they are not to be excluded. *Ibid.* Religious [persons] cannot be compelled to associate the funeral procession with a body that is to be buried in their church, but they can wait at the doors of their church. Thus, from the Decrees of the Sacred Congregation. *Ibid.*, n. 38. If a resident of the city dies in the countryside without a designated burial place, the body of that person

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must be consigned to burial not in the rural church, but in his own parish, or in the church where the burial place of his ancestors is located, as decided in chapter 6, concerning burials, provided that this can be done without serious inconvenience. A serious inconvenience is declared by the Pontiff to occur if the death occurs in a place more than three miles distant from the parish. This, indeed, must be established by the same reason for him who, living in the countryside, dies in the city. *Ibid.* When a body is to be transferred from the countryside to the city, it must be carried in a bier preceded by a cross carried by the clergy, and accompanied by two priests, one of whom is of the burial church.

[*Latin ed. p. 292*]

Regarding this matter, one party holds the opinion of the parish priest of the place where the death occurred. Ibid. n. 46. For the removal, or bringing of the corpse through the city gates, a minimal fee must be paid, as stated in the documents. Ibid. n. 46. No permission is required from the parish priest through whose territory the funeral procession must pass, for the passage of the funeral procession from one parish to another, as is confirmed by the Bull of Leo X, 22, and the Decrees of the Holy Congregation. Ibid. n. 49. Nothing can be demanded for the burial and funeral rites of the deceased, as is established by the sacred canons. Instit. Eccles. 105. n. 58. However, if a custom has prevailed, whereby something is given, although there is no legal recourse regarding this matter, one may still appeal to the office of the Ordinary, as is stated in the text, chapter "Ad cures" 24, concerning simony. Ibid. n. 58. BLINDNESS: A blind person does not obtain a dispensation, either for the first tonsure, in order to obtain an ecclesiastical benefice, as is stated in the Decree of the Holy Congregation, on a certain day in Pamplona, March 28, 1753. Inst. Eccles. 34. n. 5. However, if a priest who has already been ordained loses his sight, to the extent that he sees nothing, the Holy Congregation grants him the faculty to celebrate the Mass of the Blessed Virgin on feast days and on double days, and the Mass for the Dead on weekdays, provided that he does not recite everything by memory; furthermore, it commands the Bishops to completely forbid the celebration if they discover that the priest has become completely blind. Ibid. EXCHANGE (Cambium): A local exchange, and one made by letter, is permitted by the Pope in the treatise "De Synod. diæc." book 1, chapter 5, n. 7, when the letters are truly sent, or when money is transferred in another place in the manner described by theologians. However, an oblique exchange, whereby a money-changer obligates himself to deal only in exchanges for the same amount of money that he received on loan from the money-changer, to the benefit of the money-changer, or when he gives the money-changer the power to receive, either from himself or from another,

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only the same amount of money that was lent to him.

[*Latin ed. p. 293*]

it is; let him, I say, receive it through a bill of exchange; and in the meantime, the money-lender obligates himself to pay as much as is necessary according to the terms of this second bill of exchange: this, I say, bill of exchange, although disapproved of by some, and perhaps it could be maintained in a secular court, is nevertheless to be condemned in conscience. Ibid. n. 9. 10. Sometimes, however, the money-lender undertakes the burden of the transaction through a bill of exchange for only as much money as he received in the name of a loan; then whatever profit he makes, or can make, in this transaction as a lender, he must pay; and this payment must also be made, even if this transaction of a bill of exchange was not actually carried out, because it was in the interest of the bill-changer that it should be done. This too is condemned by the Pope, just as before. Ibid. All these bills of exchange, although in themselves, at least in some respects, are permissible to laymen, are forbidden to clerics, and the canons clearly demonstrate and prove this. De Syn. diæc. l. 10. c. 6. n. 1. CANONICAL REGULARS. Canonical regulars, although they are capable of receiving a benefice *curate* according to the text of chapter *Quod Dei timorem*, concerning the status of monks, are not, however, capable of receiving a simple benefice, as is affirmed by numerous decrees of the Holy See, approved by Gregory XIII. Inst. Eccl. 97. n. 2. Nor are they capable of receiving residential benefices that are not parochial, as is the opinion of many canonists. Ibid. n. 5. Nor can they receive parochial benefices with the sole permission of the abbot general, but the permission of the Supreme Pontiff is required. Ibid. n. 5. Canonical regulars cannot, by the sole authority of their superior or abbot general, assume and exercise the care of souls in secular churches; nor can they obtain canonries, prebends, dignities, or other offices or residential benefices in secular churches, and for this reason they must leave their religious houses. They are also incapable of receiving ecclesiastical benefices, whether simple or residential, as well as ecclesiastical pensions. Thus, in the Bull *Quod inscrutabili*. Therefore, they require the permission of the Apostolic See to obtain these. If, however, they have obtained some simple benefice with the permission of the Apostolic See, it does not therefore mean that they have the power to...

[*Latin ed. p. 294*]

Regarding those leaving the cloister of their religious order. And that which is established here applies equally to the canons of the Most Holy Savior. If anyone from among them is designated, outside of the patronage of an ecclesiastical benefice, which entails the care of souls, then this designation must be made with an explicit reservation of the Apostolic approval. Furthermore, from the one designated, the designation must be

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accepted with a clause regarding obtaining the approval of his superior general. What is to be observed with regard to these, I have noted in the word "Concursus." Ibid. In the same Bull, Benedict declares that those canons, so provided for with a residential benefice, are absolved from the obligation of wearing the habit of their order. However, he notes that they are not therefore exempt from the burden of observing the vows that can be joined with their new status. Furthermore, when pastoral care and a canonry are incompatible with the actual obedience to be rendered to a superior regular, therefore, in n. 27, he declares that they cannot be compelled by the same superiors to return to the cloister; however, the Bishop to whom they are subject may, for a legitimate reason, deprive them of that benefice by sentence, or declare them perpetually suspended due to incapacity. Then, in the same place, he declares that they are to return to the cloister, as also in n. 28, the same beneficiaries are obligated to return if they renounce the benefice. Furthermore, n. 28 states that, even if they have a coadjutor, or have obtained a dispensation, they are then obligated to remain in the place of the parish or canonry; therefore, in that case, they are in no way obligated to return to the cloister.

CANONS. Cathedral canons who do not renew their profession of faith according to the prescription of the Holy Council of Trent do not enjoy the fruits; however, the fruits of the prebend are, nevertheless, to be enjoyed, but not the distributions, as the Holy Congregation of the Index frequently responded, 60, n. 41. Nor is a declaratory sentence required to incur this penalty, as is affirmed by the Synod of Fars, Inst. Eccles. 37, n. 15. The profession of faith to be made by the canons, according to the constitution of Pius IV, does not obligate canons of other collegiate churches, but only those of cathedrals. Inst. Eccles. 60, n. 4, according to numerous decrees of the Holy See. This profession of faith must be made personally, and not otherwise.

[*Latin ed. p. 295*]

By means of a procurator, as is stated in the decree of the Holy Congregation, ibid., number 3, which is so true that if anyone residing in Rome obtains the faculty of reciting the Divine Office, he is obligated to repeat it before the Ordinary upon arriving at the place of his residence, as is commonly expressed in such faculties. Ibid., number 3. Canonically instituted persons and beneficed clergy are, by ecclesiastical law, obligated to recite the Divine Office, with this distinction: beneficed clergy can fulfill this duty anywhere, while those canonically instituted to cathedrals or collegiate churches are obligated to perform it in the choir. *Instit. Eccles.* 407, number 7. Canonically instituted persons are obligated to recite the Divine Psalms in the choir, joining themselves to the choir, and it is not sufficient if they merely assist; otherwise, they do not fulfill their duty, unless there is a presumed Apostolic privilege, which has not been revoked.

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Thus, in the Encyclical addressed to the Bishops of Italy, *Cum semper*. They are not only obligated to assist, but also to recite aloud, and to associate their singing with the canonical hours, notwithstanding any contrary custom, as is evident from the decree of the Holy Congregation, Tridentine Council, session 24, chapter 12, concerning reform. *Instit. Eccl.* 107, number 16. Therefore, canonically instituted persons, and others attached to the choir, are obligated to learn the Gregorian chant, as is demonstrated in the document presented on the folio of the Holy Congregation in the case of the Murana Mansionary, on November 15, 1733, by the secretary of that Congregation. *Instit. Eccl.* 107, number 16. Indeed, the Council of Trent decreed that all should perform the Divine Office personally, and not through substitutes; but, as the Holy Congregation judged, the faculty of substituting for one another has not been removed from canons, provided that both the substitute and the one being substituted for are assigned to the same service. However, care must be taken that these substitutions are not too frequent. Those canonics who reside outside the city or its suburbs cannot make use of this faculty. Nor can it be used by coadjutors, but only by canons or mansionaries, as is evident from several decrees of the Holy Congregation. Ibid., numbers 17, 18. If the choir of the church becomes inconvenient, for example, during the winter, this duty can be fulfilled by using a chapel of the same church, as is stated in the decree of the Holy Congregation, ibid., number 19. With regard to the recitation of the Hours, it is taught that those who add jokes, laughter, and other frivolous things, and conversations to the choir, are guilty of a grave sin, and are subject to restitution. Ibid., number 25.

[*Latin ed. p. 296*]

In the decretal *Dolentes* concerning the celebration of Mass, a penalty is prescribed for those who perform such actions or similar ones, namely, suspension; however, this suspension is of a *ferendæ* [to be carried out] and not a *latæ* [public] sentence, as explained by Honorius III, in chapter 3, concerning the life and honesty of clerics, included in the fifth compilation of decretals published by Cironio, book number 29. The custom of preventing canons from chanting, except when they arrive in the choir after the completion of the first nocturn with its readings, or after the first six psalms in the morning office on weekdays, even if a custom exists to the contrary, is disapproved by the Sacred Congregation of Councils on the day of the visitation of Interamna, May 24, 1674, book number 25. Although they are obliged to recite the office for the dead once a week in the choir, they are not obliged to do so outside the choir, which is also the definition given by Saint Pius V in his constitution LXIV, *Inst. Eccles.* 107, number 9. The conventual Mass, although not explicitly called the canonical hours, is nevertheless considered part of the divine office; therefore, if canons of cathedrals and collegiate churches are obliged to perform the daily di-

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vine office, they are also obliged to celebrate the same Mass daily. *Ibid.*, number 11. An immemorial custom does not excuse canons of cathedrals and collegiate churches from residence; however, it is permissible in non-collegiate and rural churches, in which the revenues are so meager that the canons, having no other means of support, must have some exemption. *Inst. Eccles.* 107, number 2, according to a decree of the Sacred Congregation. An absence from the choir for three months, as permitted by the Council of Trent, is not considered permissible if the constitutions of the Church require continuous service throughout the year, as explained in the decree of the Sacred Congregation, *Inst. Eccl.* 107, number 51. In this matter, no contrary custom, even if immemorial, is admitted, as judged by the Sacred Congregation in its decree. *Ibid.* Regarding the three-month vacation granted by Trent, the permission of the Bishop is not required if the canons remain within the diocese; it is required, conversely, if they are absent from it; however, this permission should not be denied by the Bishop, according to a decree of the Sacred Congregation. *Ibid.*, number 36. Canons, by virtue of the three-month period granted by the Council of Trent, cannot simultaneously be absent from the choir for more than one-third at the same time, nor can they obtain this vacation if...

[*Latin ed. p. 297*]

During Lent, and Advent, and on the more solemn feasts. Thus, according to the decree of the Holy Congregation, ibid., no. 54. Those who are absent are considered present, provided they are absent from the service of the Church for as many times as the prescribed amount of three months is exceeded within a yearly period. Thus, according to the decree of the Holy Congregation, ibid., no. 52. Therefore, the Holy Congregation, in other decrees, ibid., nos. 53, has decided that an absence of more than three months is sufficient to be considered absent. Furthermore, the same Holy Congregation has not approved those who calculate the time absent hour by hour, and not day by day. Ibid. Those absent from the service during the vacation period do not receive the daily distributions, unless they have been granted them by constitutions confirmed by the Holy Pontiffs before the Council of Trent. Thus, according to the decree of the Holy Congregation, ibid. Canon regulars who have been absent for more than three months are not to be summoned to return to the service of the Church; in this matter, they differ from non-resident clergy, who, according to the prescription of the Council, are to be summoned or admonished, so that proceedings may be taken against them. Therefore, the canon regulars are to be summoned to explain why they should not be deprived of their medication, or of all other benefits, according to the prescription of the Holy Council. Thus, according to the decree of the Holy Congregation, ibid., no. 57. Furthermore, in order to proceed to the deprivation of the canonry, a period of three years of absence must precede, after which three summonses must be issued against the

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absent person, who must then be waited for for six months; if he does not appear within that time, proceedings may be initiated for the deprivation. Thus, according to the decree of the Holy Congregation, ibid. However, within this three-year period of waiting, it is possible to proceed to the suspension of the delinquent, according to the provisions of chapter Ex. of your decrees, concerning non-resident clergy. This can also be done even after the proceedings have already begun according to the prescription of the Council; however, in that case, the proceedings must not continue to the sentence of deprivation. Thus, according to the decrees of the Holy Congregation, ibid., no. 58. Regarding the distributions, the Council of Trent, session 31, chapter 3, concerning distributions, mandates that one-third of the fruits be separated from the chapter mass, and be distributed among those present who assist in the divine services. Furthermore, the same Council adds that if the dignities, and the offices of parishes and collegiate churches, are absent from their duties, they lose the distributions, which are to be applied to the upkeep of the church, or to another pious purpose, at the discretion of the Ordinary. This last is understood to apply to dignities that have their income separate from the chapter table; those that participate from the same table,

[*Latin ed. p. 298*]

Distributions are lost, but those present accrue benefits. *Instituta Ecclesiastica*, 107, no. 41. Furthermore, the Holy Council, in session 24, chapter 12, concerning reforms, prohibits the choir members from quarreling with one another, nor from penalizing those who are absent. It also prohibits the gratuitous remission of distributions to those who have not been present, a decree to which the Sacred Congregation has always maintained that such remissions are invalid. Ibid., no. 42. However, notwithstanding this, it is permissible for the Bishop to further punish these transgressors, as the Sacred Congregation has frequently responded. Ibid., no. 44. Moreover, when the Holy Council judges that those excused from the loss of that distribution, due to infirmity, or a just and reasonable bodily necessity, or evident benefit to the Church, are exempt; hence, the Sacred Congregation has judged that, in such circumstances, those absent do not merely lose their distributions, but rather gain an increase, which arises from the distributions of those absent without just cause. Indeed, even if someone, being healthy, departs from the city, intending to return after a legitimate absence, but is afflicted by illness in the meantime and cannot return, he still receives the distributions, as if he were present in the city, as decreed by the Sacred Congregation. Ibid., no. 46. However, not every illness is an excuse, nor are all illnesses always so. For if someone, while being healthy, neglected to attend, then, even if he is afflicted by illness, he will not receive the distributions, as the Sacred Congregation has judged. Ibid., no. 47. It may happen that someone is not forbidden to leave his house, but due

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to the illness with which he is afflicted, he is not permitted to attend the choir. Hence, a blind man receives distributions, even if he does not recite in the choir that part of the office which he remembers, as the Sacred Congregation has judged. Ibid., no. 48. The Sacred Congregation has judged that the blind man should receive distributions from the day on which he lost his sight, and not merely from the day on which he requested to be admitted as present. Ibid., no. 49. Indeed, the same Sacred Congregation, in another decree, judges that he is not to be required to substitute another for the obligation of Masses in the collegiate church. Ibid. When the plague is raging (a matter left to the judgment of the Bishop), canons who are absent from the city or town receive distributions, as decreed by the Sacred Congregation. Ibid., no. 50. Nor are those deprived of distributions who, accustomed to attending the choir, are driven from their place by unjust vexations, as decreed by the Sacred Congregation. Ibid., no. 54.

[*Latin ed. p. 299*]

Those who are unjustly detained in prisons, for whom a sentence has been issued in their favor, which has become final; for if an appeal has been interposed, the outcome of that appeal must be awaited; all of which is from the decrees of the Holy See, ibid., number 52. The sentence in favor of the accused is said here to be that by which the accused is declared innocent through a final sentence, as well as that by which he is declared innocent after due deliberation; and finally, that by which he is absolved with the condition that he not be disturbed. It is not, however, that by which he is absolved with a reservation. All of this is from the decrees of the Holy See, ibid., number 53. Pope Boniface VIII, in the single chapter concerning non-resident clerics in the Sixth [Decree], admits the absent to distributions for the benefit of the Church. Therefore, one who is absent from the choir due to business of his Church, or of the chapter, receives distributions, as has often been decided by the Holy Congregation, ibid., number 8. Thus, a canon theologian, on the day he reads [the lessons], may be absent from the choir without losing the distributions, even if he could be present, as the Sacred Congregation has decided, ibid., number 55. Hence, also, a canon penitentiary, or another canon appointed by the Bishop to a specific place, may safely be absent from the choir while actually hearing confessions, and receives distributions, as has been decided by the Holy See, ibid., number 55. However, if he is absent while not actually hearing confessions, he receives the distributions to a lesser extent, as is evident from other decrees of the Holy See, ibid. He also enjoys the fruits of the prebend, but not the distributions, even if he is absent from the canonry attached to his office, but is outside the city, tending to souls; for he is obliged to reside in the parish for the time that he resides in the parochial church, and administers the sacraments. Thus, from the Council of Trent, session 22, chapter 5, concerning additions to the reforms, with the Bull 65

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of Saint Pius V. But if he has charge of souls in the church in which he is a canon, and is occupied at that time in the actual exercise of those duties pertaining to the care of souls, he receives the daily distributions. Ibid., number 56. It is permissible for a Bishop to add at least two canons to his cathedral chapter, or even to a collegiate church; however, he cannot choose a canon, or any dignity, nor even a coadjutor. These, however, enjoy the fruits of the prebend, but not the distributions. Thus, from several decrees of the Holy See, ibid., numbers 57, 58.

[*Latin ed. p. 300*]

Canons, whom the Bishop sends to Rome to visit the sacred shrines, either in his name or accompanying him on that occasion, do not lose their daily distributions, as has been decided by the Holy Congregation in book [Sacramentorum] number 59. However, if they accompany him on a visitation of the diocese, and if all the fruits of their benefice consist in these daily distributions, then they receive two-thirds of them, losing one-third, which is added to those who serve. This is according to the decree of the Holy Congregation, book [Sacramentorum] number 59. Furthermore, according to the law of the Council of Trent, session 24, chapter 12, canons can be compelled by the Bishop to assist and serve at the celebration of Mass or other pontifical functions. Moreover, according to the decree of the Holy Congregation, it is decreed that all canons are to be obligated to serve the Bishop when he celebrates pontifically in the cathedral, except those who are absent due to legitimate reasons. They are also obligated to perform the office of a subdeacon to him; this is true even if the Bishop celebrates or administers the sacraments outside the cathedral, within the diocese and its suburbs; they are obligated to perform the office of deacon, subdeacon, assisting priest, and the two canons who assist the Bishop when he administers the sacraments with the archdeacon. This is according to several decrees of the Holy Congregation, book [Sacramentorum] number 60. Furthermore, this assistance is also required when the Bishop is present in his cathedral for Mass, and for divine services on Sundays and feast days, even non-solemn ones, and on weekdays during Lent. This is also true when the Bishop celebrates pontifically in other churches of the city, or when he is prepared to assist with a stole and mitre, or with a cope, for solemn divine services and Mass, provided that a sufficient number of canons and ministers remain in the cathedral church. This is according to the decree of the Holy Congregation, book [Sacramentorum]. This also applies when the Bishop is present in the cathedral church for a sermon during Lent and other times of the year. However, it does not apply if he attends a sermon with a cope in other churches of the city, even exempt ones. Book [Sacramentorum] number 60. In all these circumstances, canons who serve the Bishop, if they are actually required to be present in the choir, do not always receive distributions. They do not receive these unless they

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are assisting at a pontifically celebrated Mass, but not when the Bishop is visiting the diocese or celebrating a private Mass. Book [Sacramentorum] number 61. It should be noted that the distributions of canons who are absent...

[*Latin ed. p. 301*]

Concerning what we have said above, canons and beneficed clergy do not lack daily distributions, but they do not participate in the emoluments of anniversaries, which, according to the custom of the founders, are usually distributed only among those present, as stated in the decree of the Holy Congregation, ibid., number 62. Finally, daily distributions are granted to canons and beneficed clergy who, with the permission of the Bishop, sometimes, within the year, reside within the religious house to perform spiritual exercises; however, this is not the case if they do so during Advent, Lent, or solemn feasts, and in such a way that the service of the choir suffers no detriment. Thus, according to the Encyclical of Clement XI, ibid., number 65. Canons and retired mansionaries, whether or not they have a coadjutor, also receive daily distributions. Ibid. However, they must have obtained this dispensation from the Holy Congregation, by virtue of which they are not restricted to their place of residence; although they may be compelled by the Bishop to assist the choir if the divine service suffers detriment. Thus, according to the decrees of the Holy Congregation, ibid., number 64. Furthermore, if a coadjutor is ill, either within the city or outside of it, he is not obliged to assist the choir, and nevertheless he receives the distributions that are entirely due to him, including those emoluments that are added to those present. Ibid., number 65. The vicar general of the Bishop, the canon examiner, and those who perform their duties in the tribunal of the Holy Office, the cameral ministers, namely the subcollectors of spoils and tithes, and finally, those undertaking even sacred pilgrimages, are deprived of distributions, unless they have undertaken them within three months of the time granted from Trident. Finally, neither are canonical and sacred theology professors teaching in public universities; however, if they appeal to the Sacred Congregation, they receive the fruits of their prebend; and if they are poor, two-thirds of the distributions, which is also granted to those who are absent from public universities for the sake of study. Ibid., number 72. Those who are absent for the sake of study, according to the decree of Innocent XII, if they do not present the dispensation granted to them to the Ordinary of the place, and if it is not registered in the records of the Chancery within the time specified in the dispensation, are considered as if they were not present. Ibid. No dispensation is granted to coadjutors to absent themselves for the sake of study. Ibid. The study must be performed in a public university, and it benefits them equally for the time that a lector has a private reading, and not in the hall of the public university, as stated in

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the decree of the Holy Congregation, ibid.

[*Latin ed. p. 302*]

If, at the time when the offices are performed in the choir, a chapter meeting is to be held, unless there is an urgent reason, the canons cannot absent themselves, without forfeiting the distributions for the time during which they are absent, as stated in the decree of the Sacred Congregation, book number 73. Nor can they leave the choir, in order to celebrate Mass or hear confessions, unless the superior orders it; however, the superior is warned to abstain from such orders, as stated in the decree of the Sacred Congregation of the year 1753, ibid., number 74. No one can erect a new dignity in the cathedral church, except the Supreme Pontiff alone, as has been decided on several occasions in the Sacred Congregation of the Council, Tractate de Synodis Diœcesanibus, book 12, chapter 1, number 8. For a theological canonry, a competition must be announced, according to the Bull of Benedict XIII, Pastoralis Officii; however, the granting of this canonry belongs to the Pope, according to canon Ad regimen, de præbendis. This competition must be announced by the Bishop, from whom four licentiates in theology are to be appointed as examiners, whether secular or regular; nor are synodals required. The candidates must be Doctors in Sacred Theology, or, at the very least, they must obtain a doctoral degree from an approved university within one year, in some general field of study. All of these things are derived from the same Bull. The results of the competition must be transmitted to the Roman Pontiff, from whom the more worthy candidate is chosen, as stated in the same Bull, and in Institutiones Ecclesiasticae, 57, number 4. A canonical doctorate alone is not sufficient, according to the response of the Sacred Congregation, Institutiones Ecclesiasticae, 57, number 4. Nor is it sufficient if this doctorate was received from a body possessing special privileges, but it is absolutely necessary to have obtained it from an approved university, which is common to all benefices that require a doctoral degree, as stated in Bulla 70 of St. Pius V, ibid., number 3. A theological canon satisfies his office, whether he reads the Sacred Scriptures or scholastic theology, as has been frequently decided by the Sacred Congregation, book number 6. However, he does not satisfy his office if he reads moral theology, as stated in book number 7. One-third of the revenue from the theological canonry must be set aside, and a proportionate portion of it must be paid to the sacristan of the metropolitan church, corresponding to the days on which the canon is absent from his office, ibid.

[*Latin ed. p. 303*]

CHAPTER. The chapter of the cathedral church ought to precede the chapter of the collegiate church, so that constitutions of private churches, which otherwise determine otherwise, are not maintained, as the Rota de-

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clared in the ninth post-Murgam decision, concerning the Apostolic constitutions regarding diocesan synods, book 12, chapter 1, number 2. The chapter of the cathedral church is to be invited to the synod convened by the Bishop; and the Bishop is bound to seek the counsel of that chapter concerning the constitutions to be established in the same synod, although he is not bound to follow that counsel. If he neglects this, and promulgates his constitutions without consulting the chapter, those constitutions will certainly lack validity, since they will not be in accordance with the norms of law. Concerning diocesan synods, book 13, chapter 1, numbers 15 and 16. Although the cathedral chapter may obtain an exemption, it is nevertheless subject to the synodal laws in those matters concerning the reform of morals and discipline, as declared by the Sacred Congregation. Concerning diocesan synods, book 13, chapter 4, number 8. The exemption of the cathedral chapter is primarily situated in this, that the Bishop cannot proceed against any of the canons without the presence of two members of the chapter, according to the decree of the Council of Trent, session 25, chapter 6, concerning reform. Although the Bishop can visit [the chapter] without the presence of members of the chapter, according to the decree of the Council of Trent, session 6, chapter 4, concerning reform. Concerning diocesan synods, book 15, chapter 9, number 8. When the see is vacant, the chapter cannot convert ecclesiastical funds, nor the compositions of delinquents, to its own uses, as has frequently been decided by the Sacred Congregation. Concerning diocesan synods, book 10, chapter 10, number 4. CAPUCHINS. It was forbidden to the Capuchins, by a certain constitution of their general chapter, to expose their sins to anyone other than their confessor, even if they were far away from their monasteries; but Pope Benedict XIV, on March 50, 1742, granted to each of their priests, and to the laity who were far from their monasteries, the faculty to confess their sins to any secular priest approved by their Ordinary, or to any regular priest approved by his superior, and to receive absolution from him, even for sins and censures reserved in their order, with the condition, however, that when...

[*Latin ed. p. 304*]

First, they must be able to appear before their superior, and obtain absolution from them for those cases and censures. Thus, according to the constitution of Benedict XIV, *Quod Commune*. *CASUS RESERVATI*. Certain societies, by reason of their privileges, cannot in any way, on certain annual solemnities, choose a confessor from whom they may receive absolution for *Episcopo reservatis* (cases reserved to the Bishop), without the Bishop's permission, as the *litterae* of Benedict XIV, beginning *Pias Christi fidelium*, relating to the diocesan synod, book 5, chapter 5, number 9, state. Finally, those who go to another diocese, in order to be absolved from the *reservatis* of their own diocese, cannot be absolved, according

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to the Bull of Clement X, *Superna Magni*. Ibid. The canonical penitentiary has no power, by virtue of his office, to absolve from sins reserved to the Bishop, as is reported from the Sacred Congregation. Ibid., number 8. *CAUSARUM COGNITIO* (Cognizance of Causes). All causes, both civil and criminal, of exempt persons, in the first instance, are to be heard only before the Ordinaries of the place, except for privileged causes; nor can they be brought before the Auditor of the Apostolic Chamber, except by means of a legitimate appeal. However, if, while causes are pending in the first instance, citations are issued in the name of justice, these are valid only for appearing or obtaining the signature, but not for delaying the execution of proceedings to further instances. Constitution 48, *Ad Militantes*, number 42, and following. Beneficial causes have an appeal that suspends the proceedings from the one who failed in the first instance; and sequestration of fruits is only possible after a final sentence before the Apostolic See, either in a petition or in a possessory action. Clement, unique, on sequestration of possessions and fruits, and it cannot be otherwise decided in the synods of particular Churches. Thus, in *Tractatus de Synodis Diœcesibus*, book 42, chapter 1, number 5. All causes, even civil ones, and those concerning even profane matters, in which clerics are convened as parties, are always to be heard in the ecclesiastical forum, and in the first instance.

[*Latin ed. p. 305*]

In the forum of the proper Bishop, nor even with the consent of the Bishop, can they be transferred in the first instance to the Roman court, unless it has been agreed between the parties, as is stated in S. C. Conc. in Instit. Eccles. 40, n. 3. However, if a cleric convenes a lay court for the recovery of things belonging to his Church, although, strictly speaking, the knowledge of this cause pertains to a secular judge, nevertheless, if a contrary custom prevails, it may pertain to the ecclesiastical forum. Whether this is to be done privately, so that this agreement cannot be made before a lay tribunal, or cumulatively, so that it can be done before either, will be determined by custom. Although, even in the case where it is done privately, the matter can be brought before a lay judge with the permission of the Bishop. Ibid., n. 3, as confirmed by the decree of the S. Congregation of Regular Bishops, by the Brief of Paul V, dated March 9, 1617. Ibid., n. 3. CENSURES. Greater censures, such as excommunication, suspension, and interdict, since they are severe penalties, cannot be imposed unless for a more serious offense, so that a suspension from divine offices for a long time, as well as an interdict, even a personal one, unless it is partial, cannot validly be imposed for a minor offense, according to the opinion of many Doctors. De Syn. 1, 10, c. 1, n. 5. This also applies to censures that are merely threatened, and to sentences that are to be carried out. Ibid., n. 3. Bishops must be very careful in imposing censures that are publicly declared; for since this is the ultimate penalty, it must be reserved for the most serious crimes,

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for the purpose of punishment, according to the constant opinion of the S. Congregation, lib. 10, c. 2, throughout. However, it sometimes happens that Bishops, under pain of public excommunication, forbid certain things that are of a lighter nature, but because of the grave scandal that would result if the prohibited thing were neglected, the matter itself requires that provision be made in this way. Thus, the Pope defends his constitution, in which he forbade those who have been dispensed from eating meat during Lent to taste fish. De Syn. dioc. 1, 10, throughout, c. 5. Censures imposed by a human authority cannot be revoked by anyone except by the one who imposed them, or by his superior, if they are recognized as unjust. Inst. Eccl. 33, n. 11. Therefore, the highest Penitentiary in Rome does not usually revoke censures that have been publicly declared against anyone, so that the jurisdiction of the Ordinaries may not be disturbed. Ibid.

[*Latin ed. p. 306*]

CENSUS. A real census is licit, and free from usury, because it is sold, and bought, the right to receive a portion of the fruits from another's land, which portion of the fruits is a pension to be paid each year. From the Synodal Decrees, book 10, chapter 5, number 4. A personal census, however, is doubtful as to whether it is of its own nature usurious or not. It is, however, established by a constitution of St. Pius V, in which the conditions of the census are established, that it is forbidden. Ibid., number 5. Whether those conditions, with regard to those things which are not of natural or divine law, and which are prescribed by contrary custom, have ceased to obligate in certain nations, is doubtful. And for Spain, the same Pius V granted that they should not be obligatory, as is stated by Guttierez. Ibid., number 5. And it is indeed possible that such a contrary custom may prevail somewhere, as is written. Ibid. The Pontiff also reminds, even in those dioceses in which the Piana constitution does not hold, that one should abstain from personal censuses, which are redeemable by either party. Ibid., number 6.

CHOREÆ. Choreas, although of their own nature they are licit, are scarcely permitted in practice, because, as they are now carried out, they are almost always an occasion for sin. Ecclesiastical Institutions, 76, number 5. Many theologians assert that it is not without grave sin for clerics to engage in choreas, as is affirmed in Ecclesiastical Institutions, 76, number 7. Indeed, bishops may even forbid all clerics from engaging in choreas, or playing in those games, and they may not permit dice to be cast in their ecclesiastical, canonical, parochial, or even beneficed buildings, which are designated as the dwelling of the beneficiary, even if those games were held in the name of relatives residing there. These are the words of a decree of the Sacred Congregation. Ecclesiastical Institutions, 76, number 8.

CHRISM. From canon, "Si quis de alio, de consecr.," dist. 4, it is gathered that it is forbidden for parish priests to use any chrism other than that which has been consecrated by their own bishop. Ecclesiastical Institutions,

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81, number 2, with every exception excluded, as is stated by Passcrino. Ibid.

[*Latin ed. p. 307*]

When a new [chrism] is blessed, the old must be burned, and it is not permitted to use the old [chrism] for the Sacrament of Extreme Unction unless it is necessary, when the new [chrism] can be obtained, as the Doctors conclude from canon 122, distinct 4, on consecration. Ibid., n. 4. It is permitted to mix some unblessed oil with the consecrated oil, provided that the unblessed oil is in a smaller quantity than the consecrated oil; but neither law nor reason permits the old oil, when new can be obtained, to be perpetuated by such a mixture. Ibid., n. 4. When the fonts are blessed by the parish priests on the holy Sabbath, they should use the new [chrism], which was blessed by the Bishop on the Feast of the Lord's Supper of that year; the rite should be performed. Ibid., n. 5. By common law, canon, in every time, distinct 4, on consecration, it is not permitted to carry the sacred oils except by subdeacons, or deacons, or priests. Ibid., n. 6. Latin bishops absolutely confirm Greek infants who have been confirmed by Greek priests in Italy and the adjacent islands; for no power has been given to them by the Pontiffs to confirm, and therefore they have acted invalidly. Bulla. Although, in Pastoralis, §. 5. Those who have been confirmed by a simple Greek priest, in Italy and the adjacent islands, are not to be compelled to receive the same sacrament again from the Bishops, if scandal is feared; however, they should be warned by the local Ordinaries that they are guilty of a grave sin if, when they can receive confirmation, they refuse and neglect it. Ibid. Greeks should be confirmed by a Greek-Catholic bishop, if one can be found, but with [chrism] received from Latin bishops. Ibid. Greek-Catholic priests are not to be compelled to receive the sacred oils from Latin diocesan bishops, since they themselves prepare or bless them according to their own rite, except for the [chrism], which must be blessed only by a bishop, even according to their rite; however, they should not dare to receive these oils from Greek bishops who are of a different communion from the Roman Church. Nor should they receive them from another Latin or Greek-Catholic bishop, except from their own Ordinary, if he is Latin. Ibid.

[*Latin ed. p. 308*]

CLOSURE. The closure of men with regard to monasteries is asserted in the Bull *Regularis disciplinae*, from which the following are derived: The entrance of men promiscuously with women into the enclosure, or the cloister, of a monastery, under the pretext of attending solemn supplications, which take place within the same enclosure with the Sacrament of the Eucharist, or with the relics of the Saints, etc., is declared to be an abuse. All constitutions and sanctions of the Roman Pontiffs concerning the closure of monasteries are confirmed. Finally, all faculties of dispensing

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with regard to this closure, granted by anyone and for any reason, are revoked. However, the right is asserted for those concessions which are favorable to certain noble families, inasmuch as their ancestors were the founders, or distinguished benefactors, of the same monastery, and they have obtained confirmation of this concession from the Apostolic See. Also, the right is asserted for those who are of the same blood, and are relatives of those who hold dominion over the temporal lands where the monastery is situated, provided that an Apostolic concession has been granted in the form of a Brief, or under seal, concerning which authentic documents are presented to the Ordinaries of that place; provided, however, that they use these faculties not to wander through the monastery, but solely for the sake of piety, and that they previously inform their superiors of their arrival and entrance, etc. With regard to the closure of nuns, provision is made in the Bull *Salutare in Cattolica*, in which constitution the following are contained: All constitutions of preceding Pontiffs are confirmed, along with the penalties contained therein. All faculties of dispensing with regard to this entrance, granted by anyone and for any reason, are revoked, and those who transgress are subjected to the same penalties as those who violate the closure of nuns. However, the right is granted to the Ordinaries of the places, and to other superiors respectively, who have the right to dispense in necessary cases, and with due observance of the law.

[*Latin ed. p. 309*]

Nuns, after taking their vows, nor even for a short time, can go out from the monastery, unless for some legitimate reason approved by the Bishop. These reasons are those mentioned in *Extravagantes* of Pope Pius V, beginning with "Decori," such as fire, leprosy, and epidemic. *Institutes Ecclesiastical*, 85, number 14. However, during the consecration, according to the prescriptions of the *Pontificale Romanum*, they must go out from the cloister, and enter the church, accompanied by senior matrons, and immediately return to the cloister. Ibid., number 20. Furthermore, on the occasion of the consecration, it is not permitted for the Bishop to enter the nuns' cloister, nor, much less, is it permitted for this to be done by the master of ceremonies, and by relatives of the virgins being consecrated. Thus, according to the same decree. Ibid., number 21. Those nuns who violate the cloister, even without pretext of faculties obtained, do not escape excommunication reserved to the Pope; and they incur it even if they admit such violators, nor are they excused by a contrary custom, even after a council has been introduced. Thus, according to another decree of the Sacred Congregation. Ibid., number 21. The Pope forbids the introduction of girls and servants into the cloister of the nuns for any reason whatsoever, without authentic Apostolic permission, which must be obtained repeatedly, and with a prior examination by the Ordinaries of the place where the monasteries are located, regarding the morals, reputation, ability, and ne-

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cessity of those being educated or of the servants. Thus, in letters addressed to the Portuguese Bishop. CLERICS. The Bishop can forbid all clerics from wearing a false wig; but to those who hold benefices, even in non-sacred offices, as well as to other sacred persons, it is permitted for the Bishop to prohibit this, even under pain of excommunication, as is evident from several decrees of the Sacred Congregation of Diocesan Synods, 1, 41, chapter 9, number 4, and *Institutes Ecclesiastical*, 96, number 5. However, for priests who are performing sacred duties, it is never permitted for them to use such a wig, unless with the permission of the Sacred Congregation; nor is the permission of the Bishop sufficient, as is evident from the letters of Pope Innocent XII addressed to the Apostolic Nuncios and Bishops. *De Syn. Diæc.*, Ibid., number 3.

[*Latin ed. p. 310*]

The opinion asserting that all forms of hunting are forbidden to clerics by the sacred canons is more in conformity with the law. From the Decrees of the Diocesan Synod, book 11, chapter 10, paragraph 8. Therefore, those synodal constitutions of Bishops, which impose a penalty and remove clerics from all hunting, are not to be condemned for excessive rigor. Ibid., paragraph 10. The opinion of some, asserting that clerics who attend comedies, however scandalous, are not guilty of a mortal sin; if this is done without causing scandal, and without a probable danger of falling into sin, is erroneous and scandalous. From the Decrees of the Diocesan Synod, book 11, chapter 10, paragraph 12. Unmarried clerics, who have received a benefice without tonsure, and who wear clerical garb, do not, indeed, enjoy the benefit of the forum and canon law, as stated in the Council of Trent, Session 25, chapter 6, concerning reforms; but it is far more probable that they enjoy other clerical privileges, such as real exemption from lay obligations, as explained by Odoardus, concerning solutions. The Council of Trent does not deprive them of anything except the privilege of the forum and canon law, as stated in the Decrees of the Diocesan Synod, book 12, chapter 2, number 1. Moreover, by the law of Trent, the Bishop is not deprived of the jurisdiction to punish them as his subordinates; for the law of Trent does nothing but prevent a cleric from declining the secular forum. This is reported as decided by the Holy Congregation, in the case of Sperello, decision 17, paragraphs 35 and 34, Ibid., paragraph 4. Furthermore, from another decree given to the Archbishop of Naples, it is the right of the Bishop to reclaim from the hands of a lay judge those same clerics who have committed a crime, when they have not been deprived, either by law or by human declaration, of their clerical privileges. Ibid., paragraph 5. It is certain that clerics who commit a crime after laying aside their clerical garb, and who then resume it again, enjoy the privilege, if they have acted without deceit or fraud. Conversely, it is certain that they do not enjoy the privilege if they have acted with fraud. However, it is not

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the duty of the secular judge to determine whether there was fraud, but of the ecclesiastical judge. Whether it must first be established that there was fraud, in order that a lay judge may proceed legally against the cleric's goods, is a question among the Doctors, in which the affirmative opinion is more readily admitted. Furthermore, it is considered to be fraud to resume the habit after having abandoned it and committed a crime, namely, to act...

[*Latin ed. p. 311*]

If a cleric, having been judged by a secular judge, flees, or by some means evades [the judgment], and then resumes the clerical habit, this is forbidden. See *De Synodo Diæcesana*, Book 12, chapter 3, paragraphs 1 and 2. The Bishop cannot, by general law, fail to prevent tonsured clerics from again assuming the habit after having relinquished it, without the Bishop's permission, as is reported by the Sacred Congregation. Ibid., paragraph 5. To avoid disagreements in this matter between ecclesiastical and civil authority, it is advisable that the Bishop, by a general edict, order the clerics to wear the habit and tonsure, and to serve some Church for a certain time; after which, he should warn those who transgress three times, so that they may obey. Those who disobey should then be declared, by sentence, to have, through their own fault, forfeited their clerical rights, and not to be restored to them thereafter. By virtue of this sentence, those who transgress do not enjoy the privileges of the forum upon having resumed the habit. Ibid., paragraph 4. The Church to which the cleric is to serve, in order to enjoy the privileges of the forum, is to be designated by the Bishop; however, if he serves another than the one designated, he still enjoys [those privileges], as is reported by the Sacred Congregation. Ibid., Book 12, chapter 6, paragraph 5. Those who do not wear the habit and tonsure, after a prior warning, are also suspended from orders, office, and the fruits of a benefice, according to the Council of Trent, Session 14, chapter 6, concerning Reforms. Moreover, according to the Bull *Cum Sacrosanctam* of Sixtus V, they are, by this very act, deprived of all dignities, prebends, and simple benefices, and pensions. However, those who hold a pension not exceeding the sum of sixty ducats from the Camera are excepted from these penalties, according to another bull. Nevertheless, this latter provision, although it concerns pensions, does not revoke the provision of the former bull, which binds even benefices of lesser value, as is affirmed by the Sacred Congregation. *Institutiones Eccl.*, 71, paragraph 12. Clerics who are suspended from the exercise of their order, if they abstain from it, do not incur an irregularity, even if they proceed to a higher order without prior absolution, although they do so sacrilegiously; this is the more common opinion. See *De Syn. Diæc.*, Book 12, chapter 3, paragraph 6. The Bishop can prohibit clerics from ascending to the sacred and higher orders, even if he is only secretly aware of their crime, based solely on informed conscience, just as

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he can suspend them in that manner.

[*Latin ed. p. 312*]

Concerning clerics destined for the priesthood, as is transmitted from the Sacred Congregation. Concerning the Diocesan Synod, book 12, chapter 8, number 3. This is so true that no one can be legally compelled to manifest the cause of his suspension. However, it is permissible for the accused to present only his own complaints, not an appeal to the Apostolic See, as is transmitted from the response of the Sacred Congregation. Ibid., number 4. Therefore, even if the accused has interposed an appeal, if in the meantime he solemnly exercises his order, he continues to incur irregularity. Ibid., number 5. Clerics, before being ordained to the priesthood, are obligated to first pursue at least a study of Moral Theology, for this is the meaning of the decree of the Council of Trent, session 25, canon 14, which commands that those to be ordained for teaching the people, and for administering the Sacraments, be examined to ensure that they know those things which are necessary for all for salvation, and that they are suitable. And this command was confirmed by Benedict XIII in the Apostolic Bull *Apostolici ministerii*, etc., given for the reform of the clergy of Spain, and as a norm for other dioceses. *Institutiones Ecclésiasticæ*, 2, number 4 and 5. Clerics who are to be ordained to the priesthood must be urged to undertake a period of spiritual exercises of ten days, as was formerly ordered by the Bishops of Italy and the adjacent islands in the Encyclical of Innocent XI, and which was renewed by the Encyclical of Clement XI. *Institutiones Ecclesiae*, 104, number 5. The Bishop should not compel clerics who have received minor orders, or even major orders of subdeacon, to advance to the priesthood, even if it seems easy to avoid scandal to younger clerics who devote themselves to idleness and vice; for this is contrary to ecclesiastical discipline. Concerning the Diocesan Synod, book 12, chapter 4, number 2. However, this is true, if the clerics do not receive any ecclesiastical benefice, or if they do receive a benefice, but not one to which is attached the obligation of receiving the priesthood. Ibid., number 5. Those who neglect the obligation attached to their benefice are deprived of the benefice. From the Council of Trent, chapter 12, session 24, concerning Reforms, unless they can be excused for a just impediment. Ibid., number 6, at least as long as this impediment was not foreseen by them, before they accepted the benefice. However, this is excepted unless necessity of the Church demands otherwise. Ibid., number 7. The lack of priests is not a sufficient reason to promote uneducated clerics to the priesthood, as is stated by the Sacred Congregation.

[*Latin ed. p. 313*]

Fagnanus, in Chapter 18, question 18, concerning elevations and qualifications, states that, according to the Constitution of Saint Pius V, a cleric

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is forbidden from leaving anything in his will to his illegitimate children, and to the children, descendants, relatives, and affines of those children, whether from revenues derived from ecclesiastical goods, or from patrimonial possessions, even if those children have died before the testator. However, this sanction does not exclude the obligation to provide support to illegitimate children, even from ecclesiastical revenues. Moreover, when a bequest is forbidden in favor of relatives of the aforementioned children, this only applies in the case where the inheritance of those relatives would pass to the benefit of the same illegitimate child. From the Decrees of the Council of Trent, book 15, chapter 24, paragraph 21. The Council of Trent. Customs contrary to the decrees of the Holy Council of Trent are not to be observed, because in the Bull of Pius IV, which is found at the end of the same Council, there is a decree invalidating all that which is contrary to that Holy Council, from which it follows that this invalidation extends to all obstacles to each and every chapter of the same. In the *Institutiones Ecclesiasticae*, 60, paragraph 7. When the sanctions of the Council are added: "always preserving the authority of the Apostolic See," these words were always added, as the same Council decreed in session 25, chapter final, when dealing with the reform of morals and ecclesiastical discipline. Therefore, in dispensations granted by the Roman Pontiff, it is always understood that the sanction of that Council is overridden, even if this derogation is not expressly stated, as defined by Saint Pius V in his *motu proprio* apud Garciam de Beneficiis, part 4, chapter 5, paragraphs 32 and 53, and as judged by the Sacred Congregation of Councils, in the *De Synodis Dioecesibus*, book 13, chapter 24, paragraph 23. Concerning sermons: Each parish priest is obligated to give a sermon in his church, and cannot be excused by custom, even if it is an ancient one, or because sermons are given in other churches, or because of the small number of those who attend. Thus, Innocent XIII, in his Constitution for the reform of the discipline of the kingdoms of Spain, paragraph 26.

[*Latin ed. p. 314*]

which Pope Benedict XIII confirmed to be a standard for other Ordinaries. *Instituta Ecclesiastica*, 10, no. 3. However, a pious discourse, given on each feast day, is sufficient, as the Sacred Congregation responded on August 8, 1752. Regular preachers are obligated to request a blessing from the Bishop, even if they wish to give discourses within their own order, according to the Bull of Clement X, *Suprema*. *Instituta Ecclesiastica*, 27, no. 8. In other churches, however, a license and blessing from the Bishop are required even for Regulars, according to the Council of Trent, Session 5, chapter 2. *Ibid*. Regulars may be prohibited from preaching, even in their own churches, at the time when the Bishop himself is preaching, even in another church. *De Synod. Diæc. lib.* 9, cap. 17, no. 7. However, if the Bishop allows preaching before him, or if he customarily hears sermons in

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his own church during Advent and Lent, he cannot prohibit the Regulars from preaching in their own churches at the same time. However, if the Bishop prohibits preaching at a time when the Bishop, having convened the clergy, magistrates, and people for a public reason, allows preaching before him, this is derived from the Clementine Decrees concerning burials. *De Syn. Diæc. l.* 9, cap. 17, no. 7. Parishioners are not obligated to listen to the sermon of their own pastor, which he gives on feast days in the parish church, even though it is prescribed by the Council of Trent, whose sanction has been abrogated by contrary custom. *De Synodo Diæcesana Lib.* 11, cap. 14, no. 15. If preachers, through carelessness, bring the Word of God as if to the stage, they incur not a small fault, but a great offense, according to the words of the encyclical of the Sacred Congregation, issued under Pope Innocent XI on July 6, 1680. *Instituta Ecclesiastica*, 27, no. 15.

CONCURRENCE. In the case of concurrence for a parish, if the collation pertains to the Bishop, the judgment regarding the more worthy candidate, from those approved by the examiners, belongs to him; if, however, the benefice is a church patronage, then the prelation pertains to the patron. If the patronage is lay, it must be approved by the examiners appointed, but without concurrence; the patron must make the choice. However, if there are multiple patrons in a lay patronage, and each presents his own candidate; so that each does not have a right over another, then concurrence is insti-

[*Latin ed. p. 315*]

It is customary, and it pertains to the Bishop to make the selection from among those approved, as is stated in the Decree of the Holy Council, in Barbosa, *De Syn. Diœe.*, book 1, chapter 4, number 8 and 9. When a See is vacant, the election is made by the Vicar Capitular, for to him the entire jurisdiction of the Chapter devolves. Number 10. In the examination, the examiners are obligated to be judges not only of doctrine, but also of other qualities that are necessary for the pastoral office. Thus, the Pope, in the Bull *Cum Illud*. In holding the examination, these things must be observed. Ibid. Having knowledge of the vacancy of the Church, the Bishop shall appoint a Vicar, assigning the amount of his remuneration at his discretion. The Bishop shall publish an edict concerning the examination, specifying the time for its holding, within which time those who wish to participate shall present to persons designated by the Bishop, sincere documents, or judicial records, of their qualifications, merits, and services, which shall not be accepted after that time has elapsed. On the day appointed for the examination, the summary of these documents shall be prepared by the episcopal chancellor and delivered to him who presides over the examination, and individually to all the examiners. Then, the examination shall be held, assigning to each candidate the same questions, and the same passage from the Gospel, upon which the candidates shall

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write something. All of these things shall be said to all at the same time, and in the same closed assembly: and a suitable time shall be assigned to each to respond. Each person shall write his answers in handwritten Latin, and shall also sign them with his own hand. The sermon to be delivered to the people shall be written in the vernacular language. Finally, the answers shall be signed by the chancellor of the examination, then by the superior who presides, and finally by each of the examiners. The candidates shall also be examined by the examiners as to their proficiency in the Latin language, by having them explain something, either about the holy Fathers, or about the Council of Trent, or about the Roman Catechism, which can be done orally. The answers thus signed shall also be delivered by the examiners, who must be no fewer than three, together with a summary record of the proceedings, to the chancellor, to be kept, and to be shown to no one, in the secret archives. If anyone should deem it necessary to appeal from a bad report of the examiners, or from an unreasonable judgment of the Bishop, the entire record of the examination shall be introduced before the judge of appeal, who, having examined them,

[*Latin ed. p. 316*]

Nor can he otherwise express his opinion, either concerning doctrine or morals. If, in the case of the aforementioned appeal, the Bishop believes it necessary to inform the judge of the appeal of the secret reason for which he was moved to choose another candidate, he may, under the law of secrecy, inform the judge of the appeal of this matter even by letter. But if the Bishop suspects that the judge is not trustworthy in keeping this secret, he shall inform the Prefect of the Sacred Congregation of Councils by letter. The judge of the appeal, when the appeal is made against a bad judgment of the Bishop, or a bad report from the examiners, must inquire not only about doctrine, but also about the other qualities of the candidate chosen by the Bishop. If the judgment of the judge of the appeal is in conformity with the episcopal election, then further appeal must cease. Otherwise, if it happens that the episcopal candidate is second or third in order, he may appeal. Of those to whom two concurring opinions are given, the one is declared the victor. But if the benefice, dignity, and canonry are to be conferred by the Apostolic See, then the competition does not require the presence of the Pontiff, but is announced by the Bishop. However, if the benefice is one that is reserved only for a certain number of months, the Bishop may choose the more suitable candidate, and inform the Datary of this, and he is not obliged to transfer the records of the competition, unless they are required. On the contrary, the Datary shall transfer them, and suspend the rendering of judgment, if the reservation is for any other reason. However, it is permissible for the Bishop to announce the one whom he believes to be more suitable for the benefice, as well as if there is some hidden reason why someone should not obtain the benefice. *Ibid.* CONJESSOR. Confessors

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who rashly question their penitents about the accomplice in a crime, or who otherwise deny absolution, incur the censure of suspension from office, sin grievously, and are to be denounced, if it can be ascertained, that they have held this practice as licit. As also are to be denounced those who teach that it is permissible. Thus, Benedict XIV, in the Constitution *Ad eradicandum*, etc. There it is also added, that those penitents whom the confessor urges to reveal the names of their accomplices...

[*Latin ed. p. 317*]

It is not necessary to report those confessors, if they are acting from some imprudence or simplicity, and those addicted to this practice cannot be recognized from the circumstances. Confessors who have incited penitents to commit shameful acts must be reported by the same penitent, and this report must be made, even if the confessor is a priest, simple, and without jurisdiction; even if the penitent himself did not consent to the incitement; even if a long time has passed since the incitement; even if the incitement was made by the confessor not for himself, but for another. Confessors should beware lest they absolve penitents whom they know have been incited by another, unless first they have made the report, or at least have promised to report as soon as they can. Thus, in the bull *Sacramentum Poenitentiae*. The confessor lacks all authority and jurisdiction to absolve a partner in a shameful crime in relation to that crime which he committed with him; and if he nevertheless dares to grant this absolution, he incurs, by this very act, an excommunication reserved to the Supreme Pontiff; and this absolution of the partner in the crime is not valid, even in the Jubilee year, or by virtue of the bull *Cruciatae*. Ibid. In the hour of death, if another priest is present who can provide for the present necessity, and the confessor nevertheless grants absolution to the partner in the crime, the absolution itself is valid, but the confessor mortally sins and incurs a reserved excommunication. Therefore, the confessor cannot do this unless he is urged by the necessity of death, and no other priest is present, at least a simple one, who can grant the same absolution; or at least unless he cannot be excused from this duty without some grave infamy or scandal. Therefore, all means should be used, without causing scandal or infamy to himself, to avoid this, and to substitute another, if it is possible. Thus, the Pope, in the declaration of the previous bull *Sacramentum Poenitentiae*, in his new bull *Apostolici Muneris*. It is enjoined upon the Ordinaries to approve confessors according to the constitution of Gregory XV and the present one of Benedict XIV.

[*Latin ed. p. 318*]

It behooves all priests to diligently see to it that this is read and observed. Thus, in the Bull *Sacramentum Poenitentiae*. The absolution given by a confessor to one who is ignorant of a necessary condition is invalid. In the

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Encyclical *Etsi minimè*, it is judged that the penitent can be absolved if he is truly ignorant of a necessary precept, and if he rightly laments this ignorance, and promises amendment. Ibid., § 12. If a confessor hears a penitent and does not absolve him, and is required to provide written testimony of the confession, he must provide it; however, he should never affirm that he absolved him, nor at any other time, if he has testified about some things and not others, lest he expose the revelation of the confession to danger. *Institutiones Eccl.*, 45, no. 10. The Fathers of the Capuchin Order, if they are present in a place where there is no house or hospice of their Order, and no brother of their Order is a confessor there, may hear confessions from secular priests who have been approved by the local Ordinary, or from religious priests approved by their regular superior for hearing confessions, notwithstanding the statute of their religious order to the contrary. In the Bull *Quod communi*. Regular confessors are not required to be present at the resolution of cases of conscience which are held before the Bishop for the entire diocese; however, they are required to be present and to attend the reading of such cases in their monasteries. This reading must be held in each monastery according to the apostolic prescription; if they are not present, the Bishop can compel them to attend the Congregation of cases of conscience which is held before him according to the prescriptions of the Holy Canons. Thus, according to the Encyclical of the Holy Congregation dated May 29, 1752, and also according to another decree of the Congregation issued in 1682, in which this is established in favor of the Regulars even in those monasteries in which twelve religious do not reside. CONFESSION. No one who ever holds any privilege can hear the confessions of seculars without the approval of the Ordinary, and this applies even to the confessions of venial and mortal sins, which are otherwise subject to keys. This also compre-

[*Latin ed. p. 319*]

Those who have obtained the privilege of the Bull of Indulgence are so favored, as stated in the Bull of Benedict XIII, *Institutiones Ecclesiasticae*, 86, number 8. It is sufficient to satisfy the canon, according to the Constitution of Clement VIII in the year 1562, and of Innocent X in the year 1643, beginning with the words, "It has been brought to our attention," as stated in *De Synodo Diocesana*, book 9, chapter 18, number 4. Even one who is not burdened with a grave sin is obligated by the precept of annual confession, so that each person, at least once each year, may acknowledge himself to be a sinner, as stated in *Summa Theologica*, part 4, distinction 17, question 3, *Institutiones Ecclesiasticae*, 18, number 4. Although the parish priest must generally believe what his parishioner asserts, namely, that he has made a confession, if, however, he cannot prudently believe the one making the assertion, he ought to abstain from administering Holy Communion to him, even at Easter, as stated in Roncaglia, *Institutiones

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Ecclesiasticae*, 43, number 15. If a penitent receives absolution during the Easter season, but is advised by the confessor to abstain from Communion at some time, he can obey without sin. However, the confessor cannot arbitrarily postpone that Communion, as stated in the chapter, "Concerning all of either sex, concerning penance and Rheims," book, number 16. Bishops can grant a limited faculty to Religious to hear confessions, even if, after examination, they are found to be suitable. *Institutiones Ecclesiasticae*, 86, number 9. Regarding the confession made by a layperson to someone in necessity, when there is no priest present, which was discussed by the ancient theologians, and also by St. Thomas, the Pontiff teaches correctly that none of those ancients recognized a layperson to be a true minister of this sacrament; but that such a confession is a testimony of the humility of the soul, by which God is more inclined to grant a more abundant grace, by which one may be moved to contrition and justification. Nevertheless, it is always better to avoid this, since it is subject to many inconveniences. *De Synodo Diocesana*, 1, 7, chapter 16, throughout, where it is rightly stated that, according to the decree of Clement VIII, a confession made to an absent priest by means of a messenger is illicit and invalid. In places where there are very few priests who hear confessions, it is sufficient for them to be approved with less than average knowledge, as stated by Cardinal de Lugo, *Institutiones Ecclesiasticae*, 86, number 12.

[*Latin ed. p. 320*]

CONFIRMATION. It is established both by the definition of the Council of Trent, session 7, canon 1, and by the Acts, with those very words: "Then they laid their hands upon them, and they received the Holy Spirit." (Acts 8:17). Institutiones Ecclesiasticæ, 6, number 5. This sacrament is conferred by the imposition of hands by the Bishop, and by prayer. When Christ instituted it, who is the only author of the sacraments, is uncertain; for He laid His hands upon the head of children, according to Matthew 19; but whether He instituted it entirely at that time, it is not clear; nor did He say to the Apostles at the Last Supper: "Receive the Holy Spirit;" nor finally, on the day of Pentecost, is it known. Ibid., number 5. Although the grace of miracles, which He formerly bestowed, has now ceased, because the Church no longer requires it, the sanctifying grace is nevertheless equally given, as testified by St. Augustine, de Baptismo, book 5, chapter 16. But this grace is conferred upon those who receive the sacrament, after the obstacle of sin has been removed, so that it is rather an increase of the preceding grace. It also produces a certain strength and firmness of spiritual powers, with which we resist the devil. Ibid., number 7. Finally, it impresses an indelible character, by which a certain spiritual power is given, in order to perform certain things that are of a more perfect kind. From this it follows that it cannot be repeated. Ibid., number 7. No one has certainly affirmed the necessity, which they call absolute, of receiving this

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sacrament; but it is clearly necessary, either in reality, or in intention, by a necessity of precept, and indeed a divine one, in times of persecution. Neither pastors, nor parents, nor those who are in the place of parents, are to be excused from the deadly guilt if they do not insist that those subject to them, and those whom they have subject to them, receive confirmation from the Bishop when it is available. Ibid., numbers 9 and 10. As for the age of those to be anointed with chrism, according to the ordinary rule, this sacrament should be conferred upon children after the age of seven; but in some extraordinary case, with a just and urgent reason, it is not forbidden to administer it even before that age. There is a just reason when it is easy for those children to receive it afterward.

[*Latin ed. p. 321*]

The access of a Bishop is not required, etc. Thus, in the bull for the Copts, in the year , and in the Decrees of the Diocesan Synods, Book 1, chapter 7, paragraph 10, number 5. The ordinary minister of Confirmation is the Bishop; an extraordinary minister, however, can be any priest by the mandate of the Pope, which is certain today, although some doctors formerly doubted it. In the Decrees of the Diocesan Synods, Book 1, chapter 7, throughout. However, a simple priest uses chrism blessed by the Bishop, although it is probable that the opinion of those who hold that this chrism can be blessed by a simple presbyter by the commission of the Supreme Pontiff is correct, and indeed, although rare, examples are not lacking. Ibid., chapter 8, throughout. Furthermore, it must be held that Confirmation conferred by a simple Latin priest solely by the delegation of a Bishop is invalid; for the Roman Pontiff, by a custom long received throughout the entire Latin Church, should be considered to have tacitly reserved this power to himself. This reservation, insofar as it restricts jurisdiction, is certainly valid, so that the Bishop lacks the jurisdiction to delegate. Ibid., chapter 8, paragraph 7. The sacrament of Confirmation, with oil and even with old chrism, if new cannot be obtained, but blessed by a Catholic Bishop, is permitted to be conferred by the Guardian of the Holy Sepulchre of the Order of the Minor Observants, if a Bishop of the Latin rite residing in his diocese is absent, by a Brief granted by the Pope, beginning with the words "Cum ad infrascriptam." However, it is clear that this is a personal privilege granted to the Guardian upon his request. There exists a bull in Bull. Also, this was granted by the Holy Congregation and confirmed by Benedict XIV in his Constitution in the year . To the Prefect of Missions in Egypt, until a Catholic Bishop is present in Egypt. Confirmation conferred by Greek priests in places of the Greeks, in which this custom has not been expressly disapproved by the Apostolic See, should be considered valid by the tacit consent of the Roman Pontiff. In the Decrees of the Diocesan Synods, Book 1, chapter 7, paragraph 9, and in the Constitution for the Catholic Copts, which Constitution begins in the year . However, it is stated

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therein that this chrism must be blessed by a Bishop. The dispositions of the soul for worthily receiving this sacrament are a state of grace, which in adults infected with mortal sin is usually attained through the sacrament of Penance. Ecclesiastical Institutions, 6, paragraph 11. The dispositions of the body, however, are not necessarily required. Volume IX.

[*Latin ed. p. 322*]

They are generally to be confirmed, and the one who confirms should fast, as the Roman Pontifical advises. Ibid., n. 42. A godfather or godmother alone should assist in the confirmation, to men, and to women; and they themselves also must be confirmed. Ibid., n. 45. It would be fitting for men to approach separately from women, so that the matter might be carried out more decently, as the Council of Milan decrees. Ibid., n. 45. Furthermore, the godfather or godmother should place his or her right hand upon the right shoulder for the anointing. Ibid., n. 46. In times of plague, the Bishop is not obliged to administer this sacrament to those afflicted with that disease, since this sacrament is not of absolute necessity. From the Synod of Dioceses, 1, 45, chapter 19, n. 6. In the confirmation during a time of plague, the anointing of the forehead with a small brush cannot be performed, nor would it be valid if administered in this way; for, according to the opinion of almost all theologians, some imposition of hands is required, which certainly would not take place if, instead, the forehead of the one being confirmed were simply anointed with oil by the thumb or hand. From the Synod of Dioceses, 1, 43, chapter 49, n. 45.

CONFRATERNITIES OF THE LAITY. Two confraternities of the same institute cannot exist in the same place, according to the bull 103 of Clement VIII. However, if the city or population is larger, two are tolerated. Church Law, 103, n. 86. If a confraternity is established in the churches of Regular Canons exempt, it is nevertheless subject to the jurisdiction and visitation of the Bishop, who has the right to visit their chapels located there; however, in matters concerning the governance of the confraternity. Although it is the duty of the confraters to maintain the altar, and its worship; as well as the ornaments of the altar, the expenses of the Masses, and the celebration of the divine offices there, etc. Thus, according to a resolution of the Sacred Congregation. Ibid., n. 88. Confraternities of the laity cannot request aggregation from the arch-confraternities of Rome; unless with the prior approval of the Ordinary of the place, or the Bishop, with the participation of two from the Chapter. Thus, according to Constitution 113 of Clement VIII, with the added decrees of the Sacred Congregation. Ibid., n. 89. Furthermore, the administrators of those that are aggregated are obliged to give an account to the Bishop, as decreed by the same Sacred

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Congregation. Ibid.

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These matters apply also to confraternities aggregated to the Chapter of St. John Lateran, as well as to those which, having already been founded, submit themselves annually to that Basilica by the payment of dues; as has often been decided. Ibid., n. 90. However, in the Church itself, or in chapels, founded in the Lateran Palace, and established by the bull of Sixtus V, they are not subject to the jurisdiction of the ordinary bishop; but, as the Rota affirms, they enjoy the delegated right granted to him by the Council of Trent, Session 6, chapter 4, and Session 24, chapter 3, concerning Reforms, by virtue of which he can visit them, either personally or through others, as is also demonstrated by the decree of the Sacred Congregation. Ibid., n. 90. Confraternities of laymen established in parochial churches are dependent on the parish priest in ecclesiastical functions that are not parochial, as is evident from the decree of the Sacred Congregation of Rites of January 12, 1704. Ibid., n. 95. Therefore, those same confraternities established in chapels, or oratories annexed to parochial churches, and dependent on them, are subject to the same dependence on the parish priest, according to the same decree. Ibid. However, those established in public, or private, churches, separate from parochial churches, are exempt from this dependence, as is evident from the same decree. Ibid. Therefore, blessings and the distribution of candles, since they are not strictly parochial rights, as well as the blessings of women after childbirth, of the baptismal font (which, however, both must be performed by the parish priest), of fire, seed, eggs, and similar things, all the functions of Holy Week, the celebration of the solemn Mass on Thursday of the Lord's Supper (which, however, pertains to the parish priests), the ringing of bells on Holy Saturday (which, however, pertains to a more important church), the celebration of the solemn Mass on the more solemn feasts of that church, or oratory, the exposition of the Blessed Sacrament for forty hours, and the blessing given over the people, the exposition of sacred relics, or images, can be performed in the oratories of the confraternities, even if the respective parish priest objects, as in the same decree. Ibid. Furthermore, in those private oratories of the confraternities, the canonical hours can be sung without the permission of the parish priest, according to the same. Ibid. In their private oratories, the celebration of private Mass is permitted with the consent of the Ordinary alone. Their chaplains cannot announce festivals and vigils to the people if the parish priest objects, according to the same. Ibid. Nor can the parish priests, without inviting the confreres, celebrate in their oratories.

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To teach Christian doctrine in churches separate from the parish, according to the same [source]. Ibid. Public sermons may also be held in

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their churches throughout the entire season of Lent and Advent, even if the parish priest objects, according to the same [source]. Ibid. Conversely, Mass cannot be celebrated, or sung, in these churches, unless otherwise permitted by the Bishop, before the parish Mass, according to the same [source]. Ibid. However, it is the duty of the parish priest to perform the funeral rites over bodies to be buried in the aforementioned churches, provided that the deceased is to be buried within the jurisdiction of the parish priest, within whose territory that church is located. In processions of confraternities outside the boundaries of their own church (which, however, cannot be held without the permission of the Bishop, or of those parish priests through whose territory the procession passes), the chaplains of those confraternities cannot wear their vestments outside their own church, according to the same [source]. Ibid. When a Bishop visits the public churches that are not of a religious order, and do not have a proper, appointed rector, the parish priest is not required to present the aspergillum [sprinkler]. From the same [source]. Ibid. Once any title of parish priest ceases, the parish priest cannot compel the chaplains of those churches to assist in the functions of the parish church. From the same [source]. Ibid. Without an apostolic indult, it is not permitted in these churches, which are not parish churches, nor are they of a religious order, to retain the Sacrament of the Holy Eucharist; nor, if that faculty exists, can the aforementioned Sacrament be publicly exposed therein without the permission of the Ordinary. From the same [source]. Ibid. The parish priest may not interfere with the administration of offerings, or alms, collected in these churches, nor may he retain the key to the receptacle for receiving them, which is displayed. From the same [source]. Ibid. Provided that they do not impede the functions, and the divine services, confraternities can also gather freely in the parish church without the permission and presence of the parish priest, just as they can administer their own property, and dispose of it independently of him. From the same [source]. Ibid. The parish priest cannot, as a delegate of the Ordinary, assist...

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Some of these [matters] can be decided by the congregations, giving a decisive vote. From the same source. Ibid. However, more of these matters, which a parish priest cannot demand from his confreres, can be done by order of the Bishop, as has often been decided by the Holy Congregation. Ibid., n. 98. Confreres cannot collect [money] even through their own church, unless with the permission of the Ordinary, as decreed by the Holy Congregation. Moreover, the Holy Congregation has decided that the Masses collected from these contributions should be celebrated in the same church, and not in the parish church. Ibid., n. 152. Among the confraternities of the laity, the one that has the right of precedence should precede; and if nothing is known about this, the one that was first clothed [in its

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habit] should precede, as is clear from Constitution 84 of Gregory XIII. Inst. Eccl. 105, n. 84. But in processions in which the Most Holy Eucharist is carried, if the confraternity of the Most Holy Sacrament is clothed [in its habit], it precedes the thurifers, as has been decided in the Roman Ritual. Ibid., n. 85. CONSECRATION. If the walls of a church have been destroyed and rebuilt from the foundations, the church, already consecrated, must be re-consecrated, as the canonists affirm from the Title on Consecration of Churches, or another. Inst. Eccl. 67, n. 2. The office should be recited for the former consecration, not for the second. Ibid., n. 6. The consecration of the altar is clearly distinct from the consecration of the church, as is noted in the Roman Pontifical. Ibid., n. 8. CONSTITUTION UNIGENITUS. To those who publicly dissent from the Constitution Unigenitus, the Most Holy Viaticum must be denied. However, those are considered to be public dissenters who have been declared by a judge to have stubbornly refused due veneration, obedience, and submission to the same Constitution. Likewise, those who have confessed to the judge that they are guilty of such stubbornness; as well as those who, when receiving the sacred Viaticum, openly declare their disobedience and stubbornness against that Constitution. Finally, those who have manifestly done something clearly contrary to the same [Constitution], 27.

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Concerning the veneration [of relics], and this is commonly known, so that the public scandal arising from it has not yet ceased. However, this certain knowledge is lacking in cases where the accusation rests on conjectures, presumptions, and uncertain reports. Therefore, regarding those who have this adverse reputation and are to be given the sacred Viaticum, the following should be kept in mind: First, the parish priest or minister of the sacrament should inquire whether the dying person received Holy Communion during the Paschal season from the parish priest where they resided; this should certainly not be denied to them if they publicly request it, unless it is known that between the time they received Holy Communion and the time they request the Viaticum, they committed something that earned them the mark of a public sinner. However, if valid presumptions and indications exist against the sick person, then the minister of Holy Communion should speak to the sick person, setting aside personal opinions, and show them the indications that make them suspect, urging them to repent, and demonstrating that he is indeed prepared to administer the sacred Viaticum to them, and that he wishes, for the sake of his piety, to prevent the scandal of the person, and therefore he will not reject them from the sacred table, even though he considers them a sinner before the Lord; he should not, however, publicly acknowledge them as a public and notorious sinner in his tribunal. Thus, Benedict XIV, in his bull *Ex omnibus Christiani orbis*, etc.

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CUSTOM. A reasonable and legitimately prescribed custom abrogates all human law, even canon law, as stated in the final chapter on Custom. However, it is not permissible for a Bishop, according to the custom of his diocese, to enact laws contrary to the canons; for the validity of a custom depends on a certain tolerance from the higher legislator. It would, however, be an act of arrogance if a Bishop were to enact a law contrary to the law of a higher authority. *De Syn. Diæc. 1. 12. c. 8. n. 8.*

CONTRACT. The contract of three contracts, which is defended by many, is disapproved of by others, and is not expressly disapproved of by the Pope, but it allows Bishops to discourage their subjects from entering into it in their Synods. *De Syn. Diæc. 1. 10. throughout chapter 7.*

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The *collaticum* contract is one whereby an ox, used for ploughing the land, is given to a farmer, who pays to the owner of the ox a certain portion of grain, with this condition added, that if the ox dies naturally, the loss is shared equally between the owner and the farmer. But if the ox perishes through the fault of the farmer, the farmer bears the entire loss. This contract has been approved by theologians, with certain conditions added, which have been approved by the Sacred Congregation on December 6, 1750, in *Synodus Diocesana*, Book 10, chapter 8, number 2.

The contract of sale with a redemption clause is when Titus sells his property to Sempronius with the agreement that the property will be redeemed; however, Titus retains possession of the property as a lessee, and pays a rent for its use, until Titus redeems the property for himself. In this contract, the penitent buyer must be questioned by his confessor as to whether he has a sincere intention of buying; similarly, the seller must be questioned as to whether he asked the buyer for a loan of money, and whether he induced him to accept usury under the guise of the redemption agreement. For in both of these cases, usury is implied, and therefore it must be judged as illicit; otherwise, it is not. See *Synodus Diocesana*, Book 10, chapter 8, numbers 3 and 3.

CRUCIFIX. A crucifix should be placed prominently among the candlesticks on the altar where Mass is celebrated, and it is not sufficient to have a plain cross, but a crucifix with the figure of Christ is required. It is also not fitting to place a small crucifix, so that it is not easily visible to the celebrant; therefore, in his Encyclical addressed to the Ordinaries of the ecclesiastical jurisdiction, the Pope commands that these small crosses be removed. *Bullarium, Accepimus præstantium*.

However, whether a crucifix should also be placed when the Blessed Sacrament is exposed for adoration, the Congregation of Sacred Rites was consulted once and ordered that it be placed; but again, for the same reason, on September 2, 1721, it decreed that each church should retain its own custom. Ibid.

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Whether a crucifix is also necessary if the altar table displays the first image of the Crucified, the Sacred Congregation considered that this is sufficient. Ibid.

Finally, whether the celebrant commits a grave sin by celebrating Mass on an altar without a crucifix.

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Concerning those who have not yet been enrolled among the Blessed or Saints, private devotions may be offered to them, but not public ones, as is evident from the celebrated Decree under Urban VIII. It is certain, as confirmed by Benedict XIV in his Bull *Quamvis Justo*. By virtue of this same decree, the title of Saint or Blessed cannot be conferred upon them, nor can a solemn Mass be celebrated in their honor on the anniversary of their death, nor can their panegyric sermons be held in the Church on the same day; but, by virtue of the same Benedictine constitution, their funeral day may be celebrated with the same rites, and hymns may be sung in their praise, although they cannot be invoked in a special collection in the litany.

DISPENSATIONS. Dispensations of the Sacred Penitentiary, when directed to a confessor by the Ordinary, must be entrusted for execution to a confessor approved by the Ordinary of the place where the dispensation is to be granted, and they are not valid if the confessor is not actually present, nor if he has been approved only for men, and the dispensation is requested by a woman. *Instit. Eccles.* 87, no. 31. If directed to a master in theology or a doctor of canon law, a degree in theology or canon law from a public university is required; nor can those letters be opened by a simple religious confessor, unless that religious order has some privilege in that regard. *Ibid.*, no. 11. If a brief from the Penitentiary has once been opened by one who does not have the required title, the rescript is not thereby vitiated, but it is sufficient if it is consigned to another who does have the requirements. *Ibid.*, no. 55. If an executor has once been chosen, it may nevertheless be varied, according to a probable opinion, although there are doctors who hold the opposite view. *Ibid.* The executor must inform himself of the truth of the circumstances for which the dispensation was granted; however, it is not required that he...

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Concerning dispensations, one should inquire whether a dispensation is required, unless the truth of the matter is already known; nor is one bound to question the individual under oath, as is the common opinion of the Doctors. Ibid. n. 54. However, if one knows that the individual is intending to relate falsehoods, one cannot proceed with the dispensation, unless one knows this from previous dispensations granted, as Sanchez states. Ibid. In the letters granting such a dispensation, it is ordered to the executor that he grant the dispensation after having first heard the sacramental confession,

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and within that confession; nor is it permissible for him to proceed with the matter outside of the confession, as all teach. Ibid. n. 55. When penance is defined in the letters, it must be imposed; but if it is left to the discretion of the confessor, it is not for him to freely and arbitrarily impose it, but it must be guided by the laws of prudence, neither too strict nor milder than is fitting. Ibid. n. 57. 58. Regarding the clause "provided it is hidden," it is considered hidden if only seven or eight people in the city know of it; in towns, if five or six know, and this is the opinion held by the writers who accurately understand the mind of the Sacred Penitentiary. Ibid. n. 45. If the impediment is hidden in the place where the execution is mandated, but public in another place where the crime was committed, it is safer then to suspend the execution and to inform the Sacred Penitentiary of this new information. Ibid. n. 46. A crime that was once public is now considered hidden, if ten years have elapsed since the commission of the crime, for this purpose, as experts among those theologians judge. Ibid. n. 48. If someone has committed a prohibited act, but it is publicly believed that they obtained permission to do so, their sin is considered hidden for this purpose. However, if it is known that the individual committed the crime, but it is not known that an impediment arises from it, it is not, strictly speaking, considered hidden with regard to this matter. Ibid. n. 48. The clause "provided it is hidden" requires that it cannot in any way be proven. Ibid. n. 44. If a crime has been brought before a court of law by the Sacred Penitentiary, it is considered public. However, if an absolute judgment has been given in it, by which the accused is found innocent, and not guilty, or if, from what has been presented thus far, the accused is not found...

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It is culpable, even if it was obtained through illicit means, with false witnesses, etc.; nevertheless, it is still considered a hidden impediment to this effect. Ibid. n. 49. The expression of the causes, and their verification, pertain to the validity of the dispensation. Bulla *Ad apostolicæ servitutis*. DOCTRINA CHRISTIANA. In rural churches, situated far from the parish church, Bishops decree that priests working there should teach the Christian doctrine to the people. Encyclical *Etsi minimè*. However, the parish priest must take care not to assign too much work to others, but when children are to be admitted to the Sacrament of the Eucharist and Confirmation, and when spouses are to be joined in marriage, he should himself try to teach them what they have learned. Ibid. n. 14. It is not permissible for the custom, prevalent in some dioceses, whereby children of one parish are taught the Christian doctrine in another parish, as was written by the Sacred Congregation of Councils to Cardinal Lambertinus on August 9, 1732. *Inst. Eccl.* 9, n. 10; but each parish priest ought to instruct his own, or at least to ensure that they are instructed in the parish; however, those who teach the faithful who come to their churches, even if they are not subject

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to a parish priest, are not to be blamed, provided that they present the names of those who attend to the parish priest. Ibid. n. 15. Schoolmasters, whether employed by the community or not, whether clerics or laymen, are to be encouraged first to teach their own the Christian doctrine, and then to compel them, as decreed by the D.S.C. to the Archbishop of Spalato on July 17, 1668. Ibid. n. 14. Not everyone needs to know the Christian doctrine equally; more is necessary for clerics than for laymen; more for adults than for boys and girls; more for those of keen intellect than for those of dull wits. *Inst. Eccl.* 72, n. 19. If someone does not explicitly believe those things which are necessary by the necessity of the means, it is much more probable that he has not validly received absolution. Indeed, absolution is certainly illicit in that case, and the confessor cannot safely hold an opinion contrary to this, and absolution cannot be given to those who explicitly ignore these things, as is clear from the condemned proposition by Innocent XI. Ibid. n. 19. If someone, however, ignores those things which are necessary by the necessity of...

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The precepts, provided that he is now contrite and proposes amendment, can certainly be absolved, as the theologians teach. Ibid. The pastors should teach the children, at least on Sundays and other feast days, about the Christian precepts, completely abolishing any contrary custom. Encycl. Ubi primum. In the Bulla Etai minimè, the Pontiff warns that the confessor must firmly hold that the sacramental absolution is invalid, which is given to someone who, through ignorance of necessary things, is in need of the means [of salvation]. DOS. With girls who are not virgins, and who request dowry assistance, the dispensation is granted secretly, and only in the forum of conscience, so that the penitent, for both what has been obtained and what is to be obtained, may live honorably in the future. Bulla Pastor Bonus, etc. DECREE. Benedict XIV. In the year 1752, on the fourth day of the Ides of November, he condemned these propositions concerning duels. I. A soldier who does not offer, or accept, a duel, and is considered fearful, timid, abject, and unfit for military service, and therefore should be deprived of the office by which he supports himself and his family, or should perpetually lack the hope of promotion that is due to him and deserved: he incurs both guilt and punishment, whether he offers or accepts the duel. II. Those who accept, or provoke, a duel for the sake of defending honor, or avoiding human contempt, can be excused, provided they certainly know that the fight will not follow, as it may be prevented by others. III. Those who accept a duel do not incur ecclesiastical penalties, namely, a general or an official of the military, if they accept the duel out of grave fear of the loss of reputation and office. IV. It is lawful, in the natural state of man, to accept and offer a duel in order to preserve fortunes with honor, when no other remedy can prevent their loss. V. The license asserted for the natural

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state can also be applied.

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In a state of government poorly ordered, in which, indeed, justice is openly denied, either through negligence or malice, by the magistrates. The Pontiff, in the aforementioned bull, forbids anyone from defending these propositions, publicly or privately, separately or jointly, even for the sake of debate; otherwise, by this very act, they incur excommunication reserved to the Roman Pontiff. He commands, in virtue of obedience to the Holy See, that no one should put these propositions into practice, not even one of them. He confirms the constitutions of previous Roman Pontiffs concerning duels, and declares that if anyone, in a duel, whether publicly or privately arranged, kills a man, or if that man dies in the place of conflict, or outside of it, from a wound received in the duel, he shall be considered as a voluntary murderer, and therefore shall not enjoy the immunity of the asylum, and may be removed from the sacred place, with the permission granted by the Bishop, which the Pontiff grants to him. He adds that if someone, gravely wounded in a duel, still lives, and the aggressor returns to the asylum, and is reasonably feared to commit further violence, so that if the wounded person dies, he might escape, then if, by the judgment of experts, a serious danger to life is deemed to be imminent from the wound, the accused shall be removed from the asylum, after the decree of the Bishop, and with the assistance of a cleric appointed by the same Bishop, and shall be held in confinement, but with the judge's promise that if the wounded person survives beyond the time prescribed for homicide, he shall be returned to the Church; otherwise, he shall incur the penalties established by Benedict XIII in similar cases concerning murderers removed from a sacred place and not returned. Finally, he declares that the denial of burial, which those who engage in duels incur under the sanction of the Council of Trent, shall also be incurred even before the judgment of the judge, if someone, even outside the place of conflict, dies from a wound received in a public or private duel, even if, before his death, he has given certain signs of repentance, and has obtained absolution from censures, and he decrees that this cannot be dispensed with by the Bishops. CHURCH. In rural parish churches located nearby, the Bishop takes care to prevent the celebration of Mass before the parochial Mass, according to the Encyclical *Etsi Minimè*. If a parish church should, by chance, collapse, or require repair...

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It must be digested; he is obligated to repair the building if it exists, but if it does not exist, the parish priest is not obligated to do so from his patrimonial revenues, but from the revenues of the benefice, if they remain for his support; although they may not remain for the support of his

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relatives. Thirdly, those who hold an ecclesiastical benefice in that church. Fourthly, if the parish is by right of patronage, the patron is obligated to do so at his own expense; however, if, within the time limit set by the Bishop, he does not wish to provide those expenses, he will lose that right of patronage. Finally, the people are obligated, and those who live in that parish, even if they rent houses from others, and the owner of those houses lives elsewhere; however, in that case, they can compensate themselves from the rents retained. Thus, according to the Canonists, *Institutiones Ecclesiasticæ*, 100, throughout. The Church is defiled by voluntary homicide, *c.* *Proposuisti*, concerning ecclesiastical councils. If a large quantity of human blood is spilled there, *Canones Ecclesiastic*, concerning councils, district 1. If human semen is spilled spontaneously, whether the emission is according to nature, or against it, whether through a licit or illicit act, from the same text, and chapter. If the Church is defiled by consecration, *ecclesiae*, concerning the consecration of churches. If an excommunicated person is buried there, *c.* *Consuluisti*, concerning ecclesiastical councils. Also, if a pagan is buried there, *canones ecclesiastic*, concerning councils, district 1. Concerning the Sacrifice of the Mass, 1, 3, chapter 7, number 4.

BISHOP. The consecration of a Bishop must necessarily be performed by a union, or by three, in order for it to be valid, although there is a question among theologians, since the Pontiffs have been accustomed to grant the faculty, in places where Bishops are lacking, for this consecration to be performed by only one Bishop; hence, the opinion that a single Bishop is sufficient seems more probable. However, the Pontiffs usually order that two Abbots, or two priests constituted in ecclesiastical dignity, be added to the Bishop who is consecrating. Thus, with many examples given. Concerning the diocesan synod, book 15, chapter 15, number 5. Likewise, it is decreed that the consecration of a Bishop, performed by one Antistite, with only one presbyter added, is valid, and even if no one else is present except the consecrator. Concerning the Synod of the Diocese, 1, 15, chapter 13, number 9. Agreements made by the electing chapter, and sworn by Bishops, Volume IX.

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Those elected in Germany are not permitted to proceed against the electors themselves, nor to obstruct the officials of the Chapter, should they undertake or decree anything. I say, those agreements, if they precede the election, are declared entirely null and void by Pope Innocent XII in his Constitution beginning with the words "Ecclesiæ catholicæ." Those that follow, however, suspend the execution of those agreements until the Apostolic See renders a judgment concerning them. Ibid., n. 17. These agreements are considered forbidden and void, even if they are honest, as is clear from the Decretals. Ibid., n. 19. Furthermore, there are also the Apostolic Letters of Benedict XIII, in the form of a Brief. Ibid., n. 23. If suffragan bishops are

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invested with the pallium, it is nevertheless stipulated in the bulls granting its concession, that nothing prejudicial to their Metropolitan should result from this, and they are forbidden to mention this in the presence of the Archbishop. De Synod. Diæc. book 15, chapter 15, number 10. The titular Latin Patriarchs, as well as the Archbishops, are not adorned with the pallium; for since no one can use the pallium outside of their province, these certainly reside elsewhere. Ibid., n. 17. Resignations of bishoprics, which bishops request to be permitted, are not admitted by the Consistorial Congregation, unless from canonical reasons, as stated in chapter "Cum pridem, de renuntiat." which, however, all refer to this, so that it may be clearly understood that they can no longer serve the salvation of their people. Ibid., chapter 16, number 3. Regular bishops, if they renounce their bishopric, are bound to return to the cloister of their religious order, unless otherwise ordered by the Holy Father... Thus, Benedict XIII, in his bull "Custodes." Ibid., n. 4. The reasons for resignation are not examined so rigorously in the case of Cardinals resigning their bishopric, provided they intend to come to Rome to assist the Roman Pontiff. Thus, according to Fagnano. Ibid., n. 5. A bishop translated from one bishopric to another may enjoy the revenues of the church from which he departs, until that point in time when, by the Supreme Pontiff, in Consistory, he is absolved from the bond of his former church; from that time on, the former church is considered vacant, as is clear from the definition of the Congregation of Councils, approved by Urban VIII. Ibid., n. 7. Neither can the same bishop, after being absolved from the bond, lawfully confer benefices, which...

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After that time has elapsed, as decided in the Roman Tribunals. Ibid. n. 9. In the meantime, however, after the pronouncement, that is, by the Pope in the Consistory, and until this pronouncement is known to the Bishop, the jurisdiction remains with the Bishop, not indeed for conferring benefices, but for governing the diocese, as is provided in the same decree, or in the Brief confirming this by Pope Urban VIII. Ibid. n. 10. If the Bishop falls into the hands of pagans, or schismatics, and is made a captive, the administration of the Church passes to the Chapter, until otherwise ordered by the Apostolic See, c. If the Bishop, as stated in supplement. neglig. Prælat. in 6, which statements are true, if the Bishop's imprisonment is so strict that the clergy of the diocese cannot even reach him by letter. Ibid. n. 11. To Bishops, from the time that the Pontifical Constitution *Firmandis* came into effect, it is permitted to inspect in the parish church administered by Regular clergy, that altar on which the Tabernacle of the Most Holy Eucharist is kept, also the font of baptism, the parish confessional, the pulpit from which the parish priest has the right to announce the word of God, the sacristy, in which the sacred vestments for administering the sacraments are kept, the tomb, the cemetery of the parish, also the bell tower, if there

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are bells pertaining to the parish, and finally the sacred vessels in which the consecrated particles are kept, or the sacred oils of baptism and Extreme Unction; finally, the font of blessed water. Bishops, to whom until now the faculty has been granted to impart the plenary indulgence to the faithful who are in articulo mortis, can use this not only for a certain time, as is limited in the Briefs they obtain, but as long as they remain in the diocese for which they obtained it. They also have the faculty of delegating other pious priests, as many as they deem suitable, to grant the same indulgence when the Bishops are prevented from doing so. Those delegated, with the faculty transmitted to them, can use this for the entire diocese, or territory, to which they are assigned, as long as they persevere in this ministry, even if the delegating Bishop has died. Finally, these faculties will henceforth be granted perpetually to all and each Bishop who have requested letters regarding this matter, and also to inferior Prelates, ter-

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Having a separate territory with true quality of Nullius, and active jurisdiction over the clergy and the people. Thus, the Pope establishes this in his Constitution, *Pia Mater*, promulgated on April 9th, in the year 1747, in which he also prescribes the rite of this blessing. The Bishop, in his Synod, cannot indeed decide on questions of faith, but he can prohibit errors already condemned by the Church, as is deduced from Gonzalez in chapter V. Concerning Diocesan Synods, book 6, chapter 5, paragraph 7. It is permissible for Bishops in the Synod not to decide on any matter of controversy between Doctors, but to prohibit a practice; for example, it is not permitted for them to pronounce whether the essence of fasting consists entirely in abstaining from meat; but even before the Bull of Benedict XIV, they had the right to order that those who had obtained a dispensation to eat meat on days of fasting should observe only one meal. Concerning Diocesan Synods, book 7, chapter 5, paragraph 1. It is permissible for the Bishop, from his own initiative, sometimes, especially in those matters which do not admit of delay, and concerning which the Supreme Pontiff cannot easily be consulted, to relax the common law, as is reported from the Holy Congregation of the Council. Concerning the Diocesan Synod, book 12, chapter 8, number 1. However, he can do this only in a specific matter, and he cannot grant a universal exception regarding that matter, as is stated by the common Doctors. Ibid., number 2. It belongs to the Diocesan Bishop to consecrate churches, and it is permissible for him to demand that another Bishop perform this office, but certainly not a priest, even if with oils blessed by the Bishop himself. Thus, from the Doctors, Concerning the Diocesan Synod, book 13, chapter 15, number 2. Furthermore, no one except the Diocesan Bishop can reconcile consecrated churches, and it is not permissible to demand that a priest perform this office, even if with water blessed by the Bishop. However, if the church has not been consecrated,

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but only blessed, it is permissible that a simple priest, using only holy water, can reconcile a defiled church. Ibid. The Bishop must see to it that pious legacies are fulfilled, which he himself can perform, even if he had been forbidden by the testator, as is explained in your chapter concerning testaments. If the testator has left an executor for his legacies, and in this case, if he acts sluggishly, another may be substituted; then the Bishop, if the delegate also acts sluggishly, will take care of this exe-

[*Latin ed. p. 337*]

This pertains to what must be undertaken within oneself; which holds true for all pious bequests, both in the final will and testament, and during a person's lifetime, as stated in the Council of Trent, Session 22, chapter 8, on Reform. It also applies not only to Bishops, but also to lower Prelates who have a separate territory and a jurisdiction akin to that of a Bishop, as stated in the Diocesan Synod, book 15, chapter last, numbers 1 and 2. It also applies to a Capitular Vicar when the See is vacant, as the Sacred Congregation has decreed regarding legates sent forth, ibid., number 2. The Basilica of St. Peter in the Vatican does not interfere with the jurisdiction of the Bishops in matters pertaining to pious bequests and the obligations of Masses, in places subject to its authority (for not all places are), except after one year from the death of the testator; after that year has elapsed, it intervenes in the execution of pious bequests, even if a legal action has been initiated and terminated by the Bishop, as is evident from the documents. Regarding the Diocesan Synod, book 15, chapter last, number 5. It is not permitted for a Bishop to be absent from his diocese for three months for any reason whatsoever; but the reason must be a true and just one, and provision must be made so that the flock does not suffer any detriment from this. Encyclical, *Ubi primum*. EUCHARIST. Regarding the frequency of Holy Communion, whether it should be granted daily, or less frequently, nothing is to be altered from the decree of Innocent XI, dated February 12, 1679; all matters must be referred to the judgment of a learned and prudent confessor. However, it may be inferred from the same decree that frequent Communion should be denied to those who frequently fall into grave sins, and who are not concerned about their amendment, as well as to those whose will is turned away from grave sins, but who are stubbornly attached to venial sins. Regarding the Diocesan Synod, book 7, chapter 12, number 9. It is forbidden to religious orders to distribute the Eucharist only on one day of the Paschal season, namely the Sunday of the Resurrection; but on the other Paschal days, they may do so without any prohibition. Thus, in the *Tractatus de Synodo Diocesana*, book 14, chapter 14, number 5. The Paschal season, within which the precept can be fulfilled, as defined by Pope Eugene IV in his constitution *Fide digna*, is from Palm Sunday to

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the Sunday.

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In Albis, nor is it permitted for the Bishop, even in a Synod, to extend this time further. Concerning the Diocesan Synod, book 12, chapter 6, paragraph 10. He did not fulfill the Paschal precept concerning the reception of the Eucharist in the parish church by receiving it in the Metropolitan Church, as is confirmed by the decrees of the Holy Congregation of Lugo. Moral Responses, book 1, question 1, doubt 15. Thus, Instruction Ecclesiastical, 18, paragraph 12. He who has not fulfilled the Paschal precept concerning the reception of the Eucharist at the appropriate time, is still bound by it even afterwards, and may be compelled by penalties to receive the Eucharist. Instruction Ecclesiastical, 45, paragraph 15. Lay servants of both orders of regular monasteries are bound to receive the Paschal communion in the parish church, within the boundaries of which the monastery is situated; as has been repeatedly decided by the Holy Congregation; for those dwellings are not within the walls and houses of the monastery, which is required by the Council of Trent, so that servants may be excused from the parish. Instruction Ecclesiastical, 55, paragraphs 7 and 8. Priests celebrating Mass are not bound to fulfill the Paschal precept in their own parish; however, if they celebrate very rarely within the year, and do not wish, or are unable, to celebrate Mass at Easter, then they are bound to communicate in the parish. Ibid. To a public sinner publicly requesting the Eucharist, it must not be denied, since natural law demands that his reputation be preserved. Concerning Synods, book 7, chapter 11, paragraph 4. However, to one requesting it secretly, and to a priest known from elsewhere, other than from confession, it may safely be denied. If, however, the priest knows both from elsewhere and simultaneously from confession, he must express that he knows of his sin from a certain place, not naming the person from whom he knows, if he has received this information under the seal of natural secrecy; but if he knows the matter only from confession, he must act as if he did not know, since this demands the strictest seal of confession. Instruction Ecclesiastical, 89, paragraph 2. A public sinner publicly requesting [the Eucharist] must be repelled. A public sinner is considered to be not only he who has been declared as such by a judge, but also he who is considered to be such by evident facts, which cannot be concealed by any evasion. Ibid., paragraph 8, and Concerning the Sacrifice of the Mass, book 1, chapter 3, chapter 20, paragraph 4. The reception of the Eucharist must be preceded by natural fasting, begun from midnight the preceding night. It makes no difference if, after food has been taken before midnight, no sleep has been taken.

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There must be no food consumed before the Holy Communion. Fur-

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thermore, this fast is broken even by a small amount of food; therefore, neither should an ablution (mouthwash) taken after the celebrated Mass be permitted for one to whom it is allowed to celebrate other Masses that day, as in the case of the Nativity of the Lord, in which case, it is not permitted to celebrate and to give the sick the Viaticum; for the precept of the Viaticum obliges when it can be conferred according to the rites of the Church. However, any remnants of food remaining in the mouth, if swallowed, do not break the natural fast, as is evident from the rubric of the Missal. Conversely, if someone were to put a small amount of sugar in their mouth before going to sleep, which gradually dissolves and enters the stomach, that certainly breaks this fast. Finally, if someone were to taste wine, or a condiment to explore the flavor, and immediately spit it out, this would not be a breaking of the fast. From *De Missa Sacrificata*, Book 3, chapter 12. Theologians dispute whether someone has broken the fast, and various cases are distinguished among them; nevertheless, it is best to abstain from receiving Holy Communion. Ibid., number 7. The priest, when receiving the Eucharist outside of Mass, must have the stole hanging from his neck, as prescribed by the Roman Ritual. He may, however, give himself Communion with his own hands if there is no scandal, and if there is a reason that requires the reception of the Sacrament, and if no other priest is present. The reason, however, is some solemn feast day. From *De Sacris Missis*, Book 1, chapter 17, number 10. It is not forbidden to administer the Eucharist to the faithful at Masses for the dead, since the Decree of the Sacred Congregation of Rites, which forbade this, is no longer displayed, and learned writers on the rites admit that it can be administered safely at any Mass, without any distinction being made between the forms celebrated in the same Mass and those reserved in the Tabernacle. Ibid., chapter 18, number 12. On the night of Christmas, according to the Decrees of the Holy Roman Church, it is forbidden to administer Holy Communion to the faithful present at Mass; because the priest is not permitted to celebrate other Masses on that night. Ibid., number 15. On Fridays, on the Eve of the Sabbath, and on the holy Sabbath, no one, except for the Viaticum, is to receive Communion, as is certain from the custom of all Churches. Ibid., number 14. A priest who, while in mortal sin, administers the Eucharist, gravely offends against the reverence due to so great a Sacrament. Therefore, those who...

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He receives the sacrament knowingly from him, thereby communicating his sin, which is the observation of St. Thomas. Ibid., chapter 19, paragraph 2. From this, it is inferred that he gravely sins who receives the sacrament from a priest who is a schismatic or excommunicated, because he thereby communicates with his sin. Ibid., paragraph 3. Whether a priest who, infected with a mortal sin, administers the Eucharist to many commits only

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one sin, is a matter of disagreement among Doctors; for some acknowledge only one sin when he administers it continuously to many, while others multiply the sins as many as are the faithful. Ibid., paragraph 3. It is not permitted to give to one of the faithful more than one particle, or a host of larger size, which was forbidden by the Sacred Congregation, in a decree approved by Innocent XI on February 12, 1679. Ibid. It is not permitted to offer the host, which is not consecrated, to a sinner prepared to receive the Sacrament in a state of sin, as if it were consecrated, on account of the danger of idolatry, both with respect to the recipient and those present. Ibid., chapter 20, paragraph 4. The purification, which was formerly performed by means of the Eucharist, by which the priest announced to the faithful about to receive Communion that he would receive the Body of Christ for the sake of proof, although it perhaps does not contain the temptation of God, as Vasquez argues, today, however, since it has been abolished by a text from the chapter "Ex tuarum," it cannot be restored. De Sacrif. Miss., book 3, chapter 20, paragraph 3. The custom of denying the Eucharist to those condemned to death, where it prevailed, is neither approved nor refuted, but where the contrary custom prevailed, it must certainly be maintained; however, some time must be allowed to pass between Communion and death, so that the species of the Eucharist may be consumed. De Sacr. Miss., book 3, chapter 2, paragraph 6. If, through the negligence of a priest, something of the Eucharist should fall to the ground, the rubrics of the Missal must be observed; although it must be admitted that canonical penalties have been absolved. If, however, a fragment should fall into the bosom of a woman, it is best that the woman herself lift it with her own hands and put it into her mouth. Ibid., paragraph 7. A parish priest carrying the Eucharist or accompanying a corpse, if he is prevented from going along a public road, has the right to cross a foreign field, and cannot be hindered by the owner, for this is a right commonly granted to everyone in the community. Inst. Eccles., 89, paragraph 2. If a priest who is ill wished to receive Viaticum...

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He would not deserve to be condemned, if, using his own means, and without the priest refusing to put it in his mouth, the matter were so. From the Diocesan Synod, book 13, chapter 19, number 27. If any Bishop forbids that the Eucharist be administered at Mass, in this or that altar, with ministers present, obedience must be given to him, and the crowd must not be disturbed. Encyclical of November 12, 1742, and from the book "De Sacrificio Missae," book 12, chapter 22, number 17. If anyone steals the Host, or particles from the tabernacle, or from the sacred pyx, or from the ostensorium, and takes away a portion of it, this is considered sufficient proof of theft of the consecrated Host, and therefore the accused must demonstrate that it was not consecrated. Thus, in the bull from the Most

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August [Pope]. By the very fact that anyone has committed this sacrilege, it is presumed that he intended to do so for a wicked purpose; and this presumption is equally valid against him who, either during or after Communion, has taken a particle from his own mouth, or from another's. Ibid. This sacrilege should also, for the first time, be handed over to the secular arm, after a real ecclesiastical degradation. Ibid. If someone receives the Eucharist in the morning, and in the evening falls into a mortal illness, it is entirely up to the parish priest to either give him Communion again on the same day, or to abstain; and he cannot be compelled by the Bishop to do either. From the Diocesan Synod, book 7, chapter 11, number 2. Regarding the administration of the Eucharist to children, the Pope rightly points out that the same age should not be desired for children who are at the point of death, as for those who are in good health. In the case of those who are dying, it is permissible for the parish priest to judge, who, through careful examination, will investigate whether they have sufficient understanding to firmly believe in and adore Christ under the sacramental species. From the Diocesan Synod, book 7, chapter 12, number 3. Those who are in good health should possess a greater firmness of judgment, so that they may approach the sacrament with due religion and reverence; and this firmness usually comes between the tenth and fourteenth years of age. Ibid., number 2. For those who are extremely ill, and who continue for a long time in the same danger of death, it is permissible, and indeed should be done, once, again, and a third time, to administer the Viaticum, especially if requested by the sick person; but the Pope does not consider it necessary to define how often, and how much time should pass between one Communion and another. From the Diocesan Synod, book 7, chapter 12, number 4. To administer the Eucharist in private chapels, although...

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Many believe that this is not forbidden; however, the practice that obtains in Rome forbids it in the Diocese of Bologna. *Instituta Ecclesiastica*, 54, n. 42. All priests, whatever their status, are obligated to receive the Sacrament of the Most Holy Eucharist from the hands of the celebrant on the Feast of the Lord, as several decrees of the Holy See state, as can be seen in Bissum, *verbum*, "Communion," n. 583. *Instituta Ecclesiastica*, 38, n. 40. EUNUCH. No one can permit the cutting off of [his genitals] in himself, unless it be with the advice of a physician, for the preservation of life; and although some theologians admit that someone may consent to his own castration in order to preserve the sweetness of his voice, so that he may sing more beautifully in the Church, and thus procure an honest livelihood for himself, nevertheless, the opinion of those theologians who deny this is the more common one. Furthermore, canonists dispute whether, by virtue of Chapter "Significavit," under the title "de corpore vitiato" [concerning a corrupted body], a priest who has committed this act can exercise the

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office of a deacon, or a subdeacon, in the Mass: it is certain, however, that by virtue of the same Chapter, that priest can be given a blessing, and can administer the sacraments of Baptism, Penance, and Extreme Unction, with the license of the Bishop; it is clear, however, that such a eunuch incurs a mark of irregularity, and that it does not belong to the Bishop to grant him permission to castrate himself. *De Synodo Diocesana*, book 4, chapter 7, n. 4 and 5. EXAMINATORS. Examiners, if they are designated in the Synod only by the name of the office, as, for example, the Prior of St. Dominic, are not thereby understood to be successors in the same office as synodal examiners, for it is a matter of the person. *De Synodo Diocesana*, book 4, chapter 7, n. 5. Examiners elected in the Synod, if they die before the new Synod, then if at least six remain, which number is necessary by definition of Trent, they cannot be replaced by others by the Bishop. If there are fewer in number, then others can suffice up to six, with the approval of the Chapter by the Bishop. Ibid., n. 7. Those examiners who suffice, however, cease after one year has elapsed, unless a Synod-

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The synod should not be celebrated, as decreed by Clement VIII. In this case, if the synod is not celebrated after a year from the previous synod, then if there are not at least six who were designated in the previous synod, the duty of all those remaining also ceases. Therefore, it is necessary that if, after a year, a meeting is to be held to fill vacant parochial positions, permission should be requested from the Sacred Congregation to appoint new examiners outside of the synod; and if this permission is granted, as it is always granted, then the Bishop must propose those he has designated to the Chapter for approval by the majority of the same. The Chapter is bound to approve them, if they possess the qualities required by the Council of Trent. Ibid. n. 10. The examiners more appropriately express their votes by communicating openly with each other, and then by indicating to the notary which one is approved. The Pope inclines to this opinion, which is that of Fagnani, in *Synod. Diæces.*, book 4, chapter 8, n. 4. In the judgment of the examiners, the Bishop, or the vicarius acting in the Bishop's place, expresses no vote, unless in the case of an equal number of votes, or if there are singular votes; then the Bishop can add his vote to whichever side he deems appropriate, but he must do so with the same examiners. Thus, according to Garcia. Ibid. n. 5. EXCOMMUNICATION. The Major Penitentiary can absolve from all censures of excommunication, suspension, and interdict, even those contained in the bull *Cænæ Domini*, the Regulars in both forums, while the others only in the forum of conscience; although he can also absolve them in both forums from public censures that are reserved to the Apostolic See, and also from those specifically declared or specifically declared by a person, if the jurisdiction of the judge delegated by whom they were imposed has expired, or when absolution

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has been remitted to the Roman Pontiff, or when they cannot appeal to their proper judges. However, those absolved are obligated to satisfy the penalty, otherwise they will fall back into the same censure. If, however, this satisfaction is refused by the party, then the Major Penitentiary must impose this satisfaction upon them, and nothing further can be done. Bull *Pastor bonus*. If the Bishop has imposed any excommunication for offenses that are generally prohibited by law, he must declare those who...

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Immediately, certain actions are to be avoided, even if they have not been publicly and specifically denounced, because their notoriety indicates that they incur excommunication; this excommunication is by no means sustainable, since it contradicts the Constitution of Martin V. Regarding what Fagnanus states in chapter "Quod a praedecessore," number 55, concerning schisms, see De Synodo Diocesana, book 1, chapter 12, number 4. The excommunication in the Bull of the Cenacle, which prohibits the faithful from carrying weapons, etc., to the Turks, does not affect the faithful who are subject to the rule of the Turks, who, under their rulers, supply weapons, or transport them, provided that they do so with a mind free from any evil intent to harm the faithful. See De Synodo Diocesana, book 1, chapter 15, number 6. In response to the requests of the Bishops of Albano Laziale, a rescript was issued by the Congregation of the Propagation of the Faith, by order of the Pope, stating that they should not disturb the faithful if, on their ships, while no war is raging between Christians and Turks, they transport larger or smaller cannons, lances, swords, lead bullets, gunpowder, steel, iron, brass, copper, ropes, and other items suitable for equipping warships, provided that this is done in a manner that respects the usual quantity and number, as was customary for them. However, a firm prohibition was made against transporting, whether in time of peace or war, mortars, incendiary projectiles, larger war machines, lead or iron balls of a larger size, and cannons in large numbers. This permission was granted to them, because otherwise they cannot obtain provisions for themselves, nor avoid terrible persecutions. Ibid., number 7. EXCEPTION. An exception from the jurisdiction of one's own Bishop is not granted by the Congregation; unless it is clearly proven that acts of cruelty have been committed against him, or that there is a just fear that they will be committed, and even then, only after the Ordinary has been heard, and after he has been fraternally admonished to act with greater moderation. See De Synodo Diocesana, book 1, chapter 15, chapter 10, number 50. In such cases, it usually happens that the Ordinary is simply prohibited from proceeding with censures, imprisonment, etc., unless he has first obtained permission from the Congregation, or from the Metropolitan. Indeed, if the accused is caught in the act of committing a crime, it is not understood that the power to proceed against the offender is taken away from the Ordinary, as stated

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in the Decrees of the Holy Congregation. Ibid.

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EXECUTION OF THE PROVISIONS OF THE ROMAN CURIA. In the pastoral bull, those laypersons who impede the execution of mandates, citations, and other provisions of the Roman Curia are excommunicated by reservation to the Roman Pontiff; and likewise, those who provide assistance, counsel, or favor to those who impede such execution. Regulars and clerics, on the other hand, incur suspension by such an act, both from the exercise of their orders and of their offices, both of which censures are reserved to the Roman Pontiff. Notaries or registrars who refuse to prepare public instruments for such provisions and executions at the request of a party are deprived of their office of notary and are declared infamous. FUNERALS. If a testator orders that his body be buried without prayers, psalms, and Masses, and without the association of clergy, with burning candles, his will is not to be followed, as decided by the Sacred Roman Rota before Molines on the day of the Funeral, June 15, 1699. *Instit. Eccl. 56, n. 22.* Clement XI ordered in an edict read in his Bull, page 517, that in any funeral association, the laws of the Roman Ritual in the title *De Exequiis*, § *Constituto tempore*, be observed. However, it may happen that in some particular circumstance, the body must be carried in a manner other than that prescribed by the Ritual; but this should not be done without the knowledge of the Bishop, as, for example, if the body is to be carried in a covered carriage, which the Sacred Congregation, in the time of Peter, often forbade in the Apostolic Constitution. Parochial clergy who are assisting at a funeral are not permitted to be prevented from entering the church of a regular order, with a cross and stole, as stated in the bull *Pretiosus Bened.* Ibid., n. 26. The bodies of priests, deacons, and subdeacons may not be exposed in the church wearing any clothing other than the sacred vestments of their order, as decreed by Clement XI. Ibid.

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EXORCISM. It is not permitted for Religious [orders] to exorcise within their own churches, unless the Bishop consents. This is stated in the Encyclical addressed to the Bishops of Poland, with great concern. In the Letter to the Bishop of Augsburg, the Encyclical of Clement XI, dated June 21, 1710, is praised, in which it is decreed that no exorcist should presume to deviate in any way from the norms of the Roman Ritual.

EXPOSITION OF THE MOST HOLY SACRAMENT. The Exposition of the Most Holy Sacrament should not be permitted except for a public reason approved by the Ordinary, even if the church belongs to a Religious order, as is demonstrated and established by the 21st session, chapter 8, of the Council of Trent; although, for a private reason, it is permitted for Religious to expose the Most Holy Sacrament within their own churches,

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provided that it is not taken from the Tabernacle, and the Host is veiled, as is affirmed by numerous Decrees of the Holy Congregation. *Instituta Ecclesiastica*, 50, paragraphs 11 and 12. The practice of openly exposing the Most Holy Eucharist on the feasts of the Saints is condemned by frequent authors. *Ibid.*, paragraph 15. If the Most Holy Sacrament is exposed within an open Tabernacle, and covered in a pyx, at least six candles must be burning, according to the opinion of the Holy Congregation. *Ibid.*, paragraph 21. However, if it is done outside the Tabernacle, in a veiled Ostensorium, then at least twelve burning candles must be placed. *Ibid.*, paragraph 23.

EXTREME UNCTION. The Fathers of the Council of Trent defined that the Extreme Unction is truly a Sacrament of the New Law instituted by our Lord Jesus Christ, and commended and promulgated to the faithful by the Apostle James. The material of it is oil pressed from olives, without any other material being mixed in, at least not permanently in the usage of the Church; although, if that material is in a small quantity, so that it does not destroy the appearance of the oil, it does not invalidate the Sacrament in any way. However, that oil must be blessed by the episcopal blessing, as from the most ancient times of the Popes.

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It is gathered from tradition. However, it must be that oil which is blessed by the Bishop, so that it may not, without fail, be consecrated by the Roman Pontiff through a simple priest, either expressly or tacitly, as is gathered from the most ancient custom of the Eastern Church. Thus, the Pontiff teaches in the *Tractatus de Synodis Dioecesibus*, book 1, chapter 8, section 4. The formula for Extreme Unction, expressed in the Roman Ritual, is deprecatory; however, it has never been defined by the Church whether this is so necessary that it does not suffice equally for the validity of the sacrament, if it is conceived in an indicative manner; indeed, it is sufficiently clear that that formula was never instituted in explicit words. However, it is clear that, other than as presented in the Ritual, it cannot be pronounced without grave sin by private authority. Some parts to be anointed are necessary for the sacrament to be performed; others are necessary by necessity, as they call it, of precept; and others, for some reason, can be safely omitted. Among the latter are the anointings of the feet and the loins, for these are omitted in women; and the latter can be omitted without serious inconvenience. The other five anointings must at least be administered by precept: but whether each of them is so necessary that without them the sacrament does not consist? Others dispute this differently. If necessity urges a sick person who fears imminent death, only one sense must be anointed, with that formula which the Ritual assigns in such circumstances, but the head should be preferred. In *De Synodis Dioecesibus*, book 1, chapter 8, section 3. No one who professes

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the faith of Christ will deny that the ministers of this sacrament are priests, as defined by the Council of Trent, session 14, chapter 4. Although it can be conferred by several priests simultaneously, provided that each anoints the appropriate sense with the proper formula, the custom, already introduced for many centuries in the Latin Church outside the article of necessity, is that only one is anointed with the sacred oil, and that the entire sacrament is completed, to which no one can conform without incurring mortal sin. In *De Synodis Dioecesibus*, book 8, chapter 4. It is commendable if, while the sacred rite is being performed, several priests, or at least good men, are present, so that the prayer of the whole Church may contribute to the effect of this sacrament, as St. Thomas says, chapter 43, question 4, against the heretics. Ibid., number 5. All priests can validly administer this sacrament; however, it is legally the right of one parish priest.

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The ordinary minister is the parish priest. Those who dare to do this without the permission of the parish priest sin against the law stated in the Roman Catechism. Moreover, religious men anointing the sick, even if they do not seek permission from the parish priest, incur a grave fault and are subject to excommunication reserved to the Apostolic See, as stated in Clementine I, concerning privileges; however, this does not apply when they exercise an act of charity, and not an abuse of authority, in accordance with the article concerning necessity. These things are said concerning Latin priests, but a different rule applies to the Greeks: for among them, it is customary, and not disapproved by the Roman Pontiffs, that seven priests, or at least three, should be present when administering this Sacrament. Ibid., n. 8. Those who are suffering from a disease from which, according to the judgment of experts, death is likely to follow shortly are anointed; therefore, it must be denied to those to whom there is certain danger of death, such as those about to cross the sea, enter into battle, or be subjected to the ultimate punishment; unless they are suffering from a dangerous disease. But this grave danger of illness is so necessary that the Sacrament administered to the healthy is either null or illicit. It is not necessary to follow the custom of the Greeks of anointing those who are in good health; for if they do this with the intention of conferring the true Sacrament, they are to be severely rebuked and prohibited; just as, even at that time, when, as sometimes happens among them, they anoint penitents instead of imposing penance through confessors. Ibid., chapter 3. However, the parish priest must take care not to delay in administering this Sacrament, waiting for the last moment of life; but rather, he should act promptly, when the sick person is still able to respond to the prayers of the priest. He must also take care not to deny this Sacrament to those who request it; for if he denies it to them, or does not offer it, he will incur a grave

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fault. Indeed, there are many who believe that a sick person who refuses to receive the Sacrament of the Sick is guilty of a mortal sin, since it is right to consider that such refusal is due to contempt for the Sacrament. Ibid., chapter 7. To children before the use of reason, it is not given, according to the perpetual teaching of the Church; although, in order that it may be done lawfully, that age should not be hastened, which is considered to be the age at which they are capable of receiving the Sacrament of Penance. Also, the demented and the insane are to be anointed perpetually, those in whom there has been a constant state of dementia throughout their lives. Constant, I say, for if adults sometimes attain the use of reason,

[*Latin ed. p. 349*]

They are to be anointed, if they have fallen into a state of mortal sin, and if they can commit some crime. Ibid. cap. 6. But what if, being seized by a sudden illness, they fall into a state of mortal sin, so that they are scarcely able to ask for the Sacrament? These, indeed, ought to be helped by this Sacrament, especially if, deprived of the use of their senses, they cannot be helped by the remedy of other sacraments. Ibid. cap. 6. The order in administering this Sacrament has not always been the same throughout the Church; for some have anointed the sick immediately after sacramental absolution, before giving them Viaticum, while others have anointed them after Viaticum; nevertheless, the discipline of the Roman Church, expressed in the Catechism of the Council of Trent, maintains the latter method, and the reason of equity demands that we not depart from it. Ibid. cap. 8. If the same illness and danger persist, it is not permitted to repeat this Sacrament; but if the force of the illness should remit, so that the danger of death seems to have passed, and then it should return again, and a new danger of death arise, then the anointing must be performed again. Ibid. However, if there is doubt whether the state of the illness has changed, or whether it still persists, it is advisable that the parish priest should consider whether to repeat the Sacrament. Ibid. He sins gravely who delays too long in administering Extreme Unction, when the sick person is already beginning to lack all hope of salvation, life, and the use of his senses. These words are from the Roman Catechism on Extreme Unction. Ibid. no. 5. It has been said in V. Parochus whether the parish priest is obliged to administer this Sacrament to those suffering from the plague. Nothing is decided about whether it is permissible to anoint the body of a sick person infected with the plague, even with an instrument, namely a brush; however, it is asserted that this rite has hitherto been unusual in the Church. De Syn. Diæc. lib. 13. cap. 19. n. 17. It does not matter whether this Sacrament is administered by one or by several priests, according to the custom of the Greeks, provided that they believe that it can also be validly and lawfully administered by one. It is necessary, however, that the Greek priest who

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anoints should pronounce the same words. Bull. Etsi pastoralis.

[*Latin ed. p. 350*]

FESTIVE DAYS. Servile labor is prohibited on festive days, not even for those in rural areas; however, it is permitted if a true, and not feigned, necessity arises. A feigned necessity is said to exist when works that could be done on preceding days are postponed to the festive day. Nevertheless, permission must be requested from the superior if any necessity arises. This permission is usually granted by the Bishop to rural parish priests for agricultural works, such as the loading of carts, the gathering of crops and fruits, the cutting of grass, the collection of hay, when there is imminent danger from the weather, or when these tasks must be carried out and cannot be conveniently postponed to the following day. *Instit. Eccles. 55. n. 35. etc.* Millers are not permitted to engage in milling, even if the mill is powered by water, or by animals, or by wind; they are not permitted to do so, I say, unless there is a customary practice or a necessity. If such a necessity exists, in the diocese of Bologna, permission is not granted by the parish priest, but by the archiepiscopal curia. *Ibid. n. 57.* Fishing among servile labors is prohibited on festive days; however, if necessity compels the fishing, because during certain days of the year there is a migration of fish, so that if that period of time passes, no fishing would be possible, then it has been granted to poor fishermen that they may engage in this work, provided that they do not do so on the Feast of the Nativity of the Lord, the Epiphany, Easter, Ascension, Pentecost, and the Feast of the Body of Christ, as was formerly granted to those in Treves by Alexander III. *De Syn. Dicœc. 1. 43. c. 48. n. 10.*

FAITH. Acts of Faith, Hope, and Charity must, by accident, be elicited when we are faced with some temptation, and we cannot overcome it except by the efficacy of those acts. *Instit. Eccles. 72. n. 20.* It is not sufficient to fulfill these three precepts, either through virtual charity, which is exercised in obeying divine precepts, nor even through virtual faith, as is affirmed by many condemned propositions. *Instit. Eccles. 72. n. 20.*

[*Latin ed. p. 351*]

If anyone, for a sufficiently long time, neglects to perform the acts of Faith, Hope, and Charity, it is affirmed that they are in danger of eternal salvation. Ibid. n. 21. It is not permitted for Christians living under the dominion of the Turks, or for Turks who, while living there, are converted to the faith, to retain or adopt Turkish names; for this pertains to the external profession of the faith. Constit. Inter omnigenas, concerning the inhabitants of the kingdom of Servia, and neighboring regions: and the Congregation of the Universal Inquisition, in a rescript addressed to the requests of the Bishops of Albano Laziale, decreed the same. De Syn. Dicœc. 1. 15. c. 20. n. 9. Christians who apostatize to the Turks, and then return to

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the faith, are obligated to publicly abjure their apostasy before the faithful; but before the infidels, it is not necessary, but it suffices that they abstain from acts of infidelity before them, that they lay aside the garb of the false religion; and that they take care that, with the passage of time, the infidels recognize, either from themselves or from others, their abjuration, even at the risk of their lives. Thus, from the Decree of the Holy Inquisition. Ibid. n. 17. But in the decree preserved in the archives of the Holy Inquisition, this addition is not found: "that they take care, with the passage of time, etc.," therefore, it is added that the faithful are not obligated to do this. Ibid. n. 48. GREEKS. Greeks living in Italy cannot receive ordination, unless from the Greek Bishop established in Rome, or from another Greek Bishop in Calabria, in the town of St. Benedict, in the diocese of Ullani Bisimianensis, as stated in Constit. Clem. VIII. 54, which Benedict XIV confirmed by bull 57. De Syn. Dicœc. 1. 2. c. 12. Although they sometimes have their own apostolic vicars assigned from among the Greeks, nevertheless, both the vicars and the other Greeks are in all respects subject to the jurisdiction of the Latin Bishops. Ibid. n. 8. The Greeks are not obligated to pronounce "and the Son" in the Creed, although they ought to believe it. However, where the custom prevails, as also among the Greeks living in any region of Italy and the adjacent islands, if they have been required by the local Ordinaries for some legitimate reason, they are entirely obligated to add it. All of these things are contained in the bull Etsi Pastoralis.

[*Latin ed. p. 352*]

Although it is permitted to confect the Eucharist with leavened bread, they ought nevertheless to believe that it is truly confected even with unleavened bread. Ibid., n. 1. Furthermore, those who have died in the charity of God, but not yet fully purged through penance, are to be cleansed of their sins in the next life, through the intercession of the faithful living. Moreover, the souls that have been cleansed are immediately received into heaven for the beatific vision of God. But those who have died with mortal sin, these are to be cast into the prison of hell to be punished with punishments equal to the enormity of their sin. Furthermore, the primacy of the Roman Pontiff over the entire Church must be added to these. Ibid. HERETICS. Hidden heretics can be absolved in the forum of conscience by a major penitentiary, or by his mandate. Hidden are those who, although they have manifested their heresy through external actions, have not been seen by anyone. Thus, in the bull *Pastor bonus*. It is also possible for a major penitentiary to absolve public heretics, or those who have apostatized from the faith, in the forum of conscience, when it is not necessary to denounce their accomplices, namely, if they are dead, or if they live in places openly infected; but not if they live where the office of the Inquisition is in force. Ibid. §. 11. Neither can he absolve from incurred censure all those, even Cardinals of the Holy Roman Church, who, while the Roman Pontiff

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is living, have treated of the election or exclusion of another, have cast votes, or have engaged in intrigues or agreements. Ibid. §. 12. Nor can he absolve those who, through judicial astrology, have inquired about the state of the Christian republic, or about the life and death of the then existing Roman Pontiff, either by themselves or through others. §. 13. Finally, he cannot, in cases of public import, violate the inviol-

[*Latin ed. p. 353*]

§. 14. The Bishop is bound, even in places where the office of the Holy Inquisition is active, diligently to ensure that the diocese entrusted to him is purged of heretics, and if he finds any, he must punish them with canonical penalties; however, he must take care not to hinder the Inquisitors from performing their duties. Moreover, both the Bishop and the Inquisitor can reconcile the heretic with the Church, and absolve him in their respective jurisdictions. Indeed, after the heretic has confessed his errors, they can refer him to a simple confessor for absolution, which, when given by the confessor in the sacramental forum, is equally valid for the external forum. Thus, in *Tr. De Syn. Dicœc.*, book 9, chapter 4, number 5. A simple confessor can absolve from a purely internal and mental heresy, without any external manifestation. However, if the heresy is reserved to the Supreme Pontiff by an attached censure, which certainly is not the case here, then the simple confessor cannot absolve. He can also absolve the one who, by some word or deed, has denied an article of faith, but who inwardly retains the faith, for in that circumstance, the censure would not apply. Although, in the external forum, he might be punished as a heretic, and he would not be able to claim that he retained the faith in his heart. Ibid., number 4. If, however, we are dealing with an external heresy, which is still hidden and has not yet been brought before the Bishop, then, formerly, the Council of Trent, in session 24, chapter 6, granted bishops the power to absolve from it in the forum of conscience, either by themselves or through their vicars. But since, in the annual bull published, absolution is reserved to the Roman Pontiff, among other things, from the crime of heresy; and in that bull, all contrary decrees of any council are repealed, the question arises among theologians whether the Bishop still retains the power to absolve heretics in the forum of conscience. However, this power must be denied to them; for, notwithstanding the decrees of any council, the power granted to the Bishops by the Council of Trent is taken away. Many decrees of the Holy Office and the Congregation of Councils are cited on this matter, and the oracles of St. Pius IV, Gregory XIII, and Clement VIII are added, not to mention proposition 3, which was condemned by Alexander VII. The opinion asserting that the bull *Cœna* only prohibits...

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It was decreed that absolution from heresy, and from other public

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crimes, could be granted, and that this did not detract from the authority of Trent, in which the matter of hidden crimes is discussed, in the year 1629, on July 18th, and was seen and approved by the Sacred Congregation. Indeed, it must be confessed that this proposition was based on a false assertion regarding the approval of the Sacred Congregation, which was in no way given. However, it is scarcely believable that the Pontiff would have been so concerned about removing this approval from the Sacred Congregation, unless he also judged the proposition itself to be improbable. Concerning the Diocesan Synod, book 9, chapter 4, paragraph 9. But it cannot be believed that the faculty to absolve from heresy has been granted to Gallican bishops, although many claim it, as is demonstrated by many arguments in chapter 5. What is denied to bishops must also be denied to the Inquisitors of Spain and Portugal, to whom, if they ever had any authority in this matter, it was now removed by the bull *Cæna*. Ibid., chapter 5, paragraph 4. MURDER. Even in the case of voluntary murder, the Major Penitentiary can grant dispensation, so that they may enter the approved religious order, provided that certain conditions are met, concerning which the Pontiff speaks in his bull *Pastor bonus*. FASTING. A dispensation obtained during Lent to eat meat does not continuously exempt from a single meal; therefore, those who have been dispensed declare that they are bound by it, and they cannot mix permitted foods with prohibited ones. *Constitutio Non ambigimus*. This mixture is forbidden, namely, the eating of meat with fish. Thus, the Pontiff declared in his letter to the Archbishop of Santiago de Compostela. In the evening meal, those who have been dispensed must abstain from meat, and they cannot taste anything else that others who have not been dispensed may eat. Ibid. They must observe the hour prescribed for those who are fasting during the meal. Ibid.

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That which is prescribed concerning not mixing meats with fish must also be observed on the Sundays of Lent. Both this precept concerning a single meal, and the caution against mixing meats with fish, apply even during fasts outside of Lent. Ibid. However, those who, by dispensation, use eggs and dairy products, are not obliged to abstain from fish. Ibid. When requesting general dispensations from the Holy Father regarding the discipline of fasting for towns and dioceses, Bishops are warned not to be easily persuaded, but first to consult with more experienced physicians, and to inquire from them whether a disease is prevalent, so that they may judge whether it would greatly contribute to the preservation of health if a dispensation from meats were granted, and then to request it. Other matters that must be observed are more fully explained in the Encyclical *Libentissimè*, etc. The Holy Father permits the drinking of chocolate on days of fasting. *Instit. Eccl.* 15, n. 10. However, he scarcely allows a larger

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cup, nor does he tolerate it being repeated frequently on the same day. Ibid. It would be permitted with great abuse to allow sons or servants to not observe the Lenten fast concerning abstinence from meats, if the head of the family is dispensed, nor can the expenses of two tables suffice. *Instit. Eccles.* 15, n. 25. Benedict XIV, in his Constitution *Pias Christi fidelium*, again grants to each member of the Brotherhood of St. Mary of Succor, established in the city of Genoa, residing within the jurisdiction and dominion of Genoa, and fulfilling the statutes or pious works prescribed therein, the privilege of eating eggs and dairy products on certain days of Lent, namely, on Sundays, Tuesdays, Wednesdays, and Fridays. Furthermore, this privilege previously granted is extended by the same document to all weekdays of Lent, including Sundays, as well as Palm Sunday and the Greater Week, which were not included in the previous privilege. However, this exemption does not apply to Archbishops, Bishops, inferior Prelates, nor to all religious, and in the case of secular clergy, to those who have been promoted to the order of the priesthood, unless they have completed their sixtieth year. However, it is desired that all those exempted from the laws of fasting be subject to the law concerning a single meal in the day. Given.

[*Latin ed. p. 356*]

To these [clergy], the same privilege is granted, that they may be absolved from reserved sins by a simple confessor only twice in their life, as they also can be in articulo mortis. He declares, however, in § 5, that this faculty of obtaining absolution does not include reservations made by the Ordinaries of the places. IMAGES OF THE HOLY SPIRIT. An image of the Holy Spirit under the figure of a man is not permitted, since this has never been granted in the Church. In the Letter to the Bishop of Augustanum. Nor is the image of three equal men to be used to represent the Most Holy Trinity. LOCAL IMMUNITY. Besides those exempted by the Bull of Gregory XIV, Benedict XIII also decreed in the Bull *Ex quo divina* that the following should also be included: I. Those who prevent anyone from going to a place of immunity, or who forcibly remove someone from it. II. Those who kill a neighbor with premeditation and deliberation. III. Those who falsify apostolic letters. IV. Those who are guilty of theft, or commit some other fraud, in the *Monte di Pietà*, or in a public place where money is deposited, commonly called a bank; from which crime the monetary fund is diminished, so that the ordinary penalty applies to that place. V. Those who deface or damage gold or silver coins of any prince, even foreign ones, which are in circulation in the place where the crime is committed; or those who knowingly spend such defaced coins, so that they may be considered aware of and complicit in the fraud. VI. Those who, pretending to be servants, enter a house with the intention of stealing, and at the same time commit murder, or mutilation of limbs,

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against those who also happen to be in that house, but with the intended result. VII. Murder, even in a quarrel, if the accused is found guilty through the process, or is banished for that reason. This applies only within the ecclesiastical jurisdiction. *Institutes Ecclesiastical*, 41, n. 21. By the same Bull, he is deprived of immunity, who, standing...

[*Latin ed. p. 357*]

The Church, or within a cemetery, may seize those who are committing crimes outside of those places, and vice versa. However, this immunity does not extend to those who violate not only the Church itself, but also all other places. Ibid., n. 22. It has also been declared that those who commit such acts are to be considered highway robbers; even if they commit only one murder or mutilation, even on a public road. Ibid., n. 25. This applies equally to those who order such acts, who promise a certain reward to the perpetrator, even if they do not give it; nevertheless, if a murder or mutilation is committed. Pope Clement XII confirmed this decree in his Constitution *In supremo*, and extended it to ecclesiastical murderers, as well as to those over the age of twenty, declaring that all are included if they have provided a command, counsel, instigation, cooperative assistance, or any other aid to the murderer, from which each of these evil acts results in murder. He added that evidence sufficient to hand over the accused to the secular judge includes at least those things that are valid for torture. However, this applies only within the ecclesiastical jurisdiction. Finally, Pope Benedict XIV, in his bull *Officii nostri*, confirmed all of these things, and declared that it includes even ecclesiastical persons, and women accused of murder, as well as those who commit murder with a stick or stone. However, it does not apply when the murder was committed accidentally, or in necessary defense; for it restricts only when it is done out of hatred, and with the intention of harming. It has also been declared that if it happens that someone is wounded to the point of death, and the attacker immediately flees to the Church before death occurs, then if surgeons report a grave danger to life, the accused may be taken out of the Church and handed over to the prisons, provided that if the wounded person lives beyond the time established by the laws, he must be returned to the Church. It confirms the Constitution of Pope Benedict XIII in this matter, that the power to demand the removal of such offenders from the place of immunity belongs exclusively to the Bishops (and this power may be granted if there are indications of imprisonment), so that, if the place is not within any diocese, recourse must be had to the nearest Bishop for this power, and always, when there is a removal, an ecclesiastical person designated by him must be present. After the removal has been effected,

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the process is initiated.

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Usküb; if sufficient evidence is found for torture, then the accused must be handed over to the secular judge (but he must be warned under a sentence of excommunication, so that if the accused is acquitted, he may be restored to the Church). If the homicide was committed in places distant from the Bishop's residence, he orders that, by order of the Episcopal Vicar, the necessary evidence for extraction be legally collected, and immediately transmitted to the Bishop. Regarding those who violate the sacred immunity, even concerning punishments, he declares that those who, without recourse to the Bishop, proceed to extract [evidence], or who presume to obstruct places of immunity, so that food is not brought to the accused, or who otherwise compel the accused to surrender to the secular court, are deprived of the right of asylum. Those who act in this way are legally deprived of the right of asylum. If there is a custom among neighboring princes, such that those who commit homicide within the jurisdiction of one are apprehended and handed over to the prince of the place where the crime was committed, the Bishop of the place where the homicide occurred orders that evidence be extracted from them, and transmitted to the Bishop of the asylum, to whom it belongs to give the order for extraction. However, this decree was issued only for the ecclesiastical jurisdiction, and for those princes who requested it. Heretics, or those suspected of heresy, Jews who have lapsed into apostasy after baptism, may be extracted from the Church by the Inquisitors, but the Bishop must be summoned, either before or after their capture. Encyclical to the Inquisitors, recently issued. Whoever escapes from a place of banishment, or from prisons, or from ships, to an asylum, unless he is guilty of crimes that deprive him of immunity, enjoys the right of asylum. Ibid., n. 5. Punishments against those who disturb the immunity also apply to those who prevent the ecclesiastical judge from knowing about cases in which he has only cumulative authority. *Institutes of Ecclesiastical Law*, 40, n. 10. If anyone is deceptively extracted from the Church, and is captured outside of it, not by force, or by a safe conduct, this deceptive extraction does not benefit the accused, as stated in the Decree of the Holy See of December 22, 1716. *Institutes of Ecclesiastical Law*, 41, n. 9.

[*Latin ed. p. 359*]

INDULGENCES. Only the Roman Pontiff can grant plenary indulgences, to whom the keys to the treasures of the Church have been entrusted. From the Council of Trent, Session II, Chapter 9, paragraph 7. To all Bishops, the faculty is granted by law to grant an indulgence of forty days, and one hundred on the dedication of a church, according to the decree *Cum de eo pænit*. Cardinals, however, receive an indulgence of one hundred days.

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This indulgence also benefits Regular clergy: for their exemption should not be turned against them. *Instituta Ecclesiastica*, 63, paragraph 46. The Vicar Capitular must scrupulously refrain from granting any indulgences. Thus, according to the decrees of the Holy See, from the Council of Trent, Session II, Chapter 9, paragraph 7. It is not sufficient to perform the prescribed works to obtain an indulgence, if one is otherwise obligated to perform them under another title, such as by reason of justice. Encyclical on Questions concerning the Jubilee Year, § 4. Indulgences granted by the Pontiff to those who visit a church after receiving the Sacrament of Confession and Holy Communion do not require that the church be visited after Confession and Communion; it is sufficient that, if the visit occurs before the state of grace, the disposition be made on the same day for Confession and Communion, as affirmed by many theologians. *Instituta Ecclesiastica*, 48, paragraph 10. If someone visits a church more than once in the same day, in which there is an indulgence, they do not, for that reason, acquire the indulgence more than once, according to the decree of the Holy See, under Innocent XI, on March 7, 4678, in the declaration concerning questions for the Jubilee Year. Among the past. The indulgences granted to Brothers and Sisters of the Third Order of Saint Francis, whether living in community or in private homes, have been reformed by the Pontiff, and each one enumerated, with all others revoked, in the bull concerning the new granting of such indulgences. For the Roman Pontiff. These are the indulgences: A plenary indulgence to those who, having confessed and received the Holy Eucharist, enter the Order on that day. Also, a plenary indulgence to those who, having confessed and received Communion, celebrate the feast of Saint Francis, on October 4th; of Saint Clara, the titular saint of a church, oratory, or chapel of the same Third Order; and on the day of dedication.

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In the church of Saint Mary of the Angels at Portiuncula, provided that they devoutly visit the church itself, and pray according to the custom. A plenary indulgence is granted to those who, having made a confession and received Holy Communion, invoke the name of Jesus, either aloud or, if they are unable to do so aloud, at least in their heart. To those of the Third Order who visit a church, oratory, or chapel on the days specified in the Roman Missal, and who pray there according to the custom, the same indulgences are granted as those obtained by those who visit churches within and outside the city on those same days. Those who, having made a confession and received Holy Communion, visit the feast days of Saint Francis, of King Lewis of France, of Queen Elizabeth of Portugal, and of Queen Elizabeth of Hungary, as well as the feast days of Saint Margaret of Cortona, and twelve other days chosen at will and approved by the Superiors of the Order, and who pray as described above, gain indulgences of seven years and as many quadragenaries. They also gain one hundred

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days of indulgences each time they attend Mass or other divine services celebrated in the church, or participate in public or private gatherings of the same Order, wherever they may be held; if they have received poor people into their homes, if they have reconciled those at odds, if they have assisted in the burial of the bodies of the deceased, or if they have participated in processions with the permission of the Ordinary. Furthermore, if they carry the Sacrament of the Holy Eucharist in processions, or when it is brought to the sick, or, if they are prevented from doing so, they recite the Our Father and the Angelic Salutation in place of the bell. Also, if they recite the Our Father and the Angelic Salutation five times, either for the needs of the church, or for the deceased brothers and sisters. Also, if they bring a sinner to repentance, or if they teach Christian doctrine to the uneducated. Finally, each time they perform another work of piety or charity. The same indulgences are granted to the members of the Third Order of Saint Francis of Paula by the Pope, in almost the same manner as those granted to members of the Third Order of Saint Francis of Assisi, except that they obtain a plenary indulgence on the feast day of Saint Francis of Paula, of Saint Francis of Sales, and on the feast of the Dedication of Saint.

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For the feast of the Archangel Michael, and on the feast of All Saints, if they have visited a church of the Order, if there is one there, and if not, a church in some city or place where they reside. The other indulgences are entirely the same as those for the Tertiary members of St. Francis of Assisi. As for the Cord-bearers of St. Francis of Paula, those who wear only a cincture blessed by a religious of that Order, or by another delegated by the superiors of the same Order, obtain a plenary indulgence on the day they put on the cincture, after having confessed and received Holy Communion, just as they obtain a plenary indulgence on the feast of St. Francis of Paula, as mentioned above; and finally, a plenary indulgence at the hour of death, in the same way as the Tertiary members of St. Francis of Assisi. They also obtain a daily indulgence of one hundred days, if they have offered prayers in honor of the Lord Jesus Christ and the Holy Apostles. Finally, these Cord-bearers, like the Tertiary members, obtain an indulgence of sixty days for each pious work undertaken, in which they differ from the Tertiary members of St. Francis of Assisi, who gain one hundred days. They can apply all these indulgences for the benefit of the deceased. The Bull concerning the indulgences for the Tertiary members of St. Francis of Paula is entitled *Inexhausti*. Plenary indulgences at the hour of death are to be granted by the Bishops through benediction. See *Episcopus*. Those who publicly or privately teach uneducated people the rules and manner of mental prayer, and those who have listened to such instruction publicly, provided they are truly penitent and have received Holy Communion, gain an indulgence of seven years for each time they

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gain it. Also, if they attend diligently once a month, truly penitent and having received Holy Communion, and praying according to the usual prayers for indulgences, they gain a plenary indulgence, which can also be applied for the benefit of the deceased, just as those who dedicate at least a quarter of an hour each day of the month to mental prayer, provided they are truly penitent and have confessed, received the Eucharist, and pray for concord, etc., obtain it. All of this is granted by the Pope in the Bull *Quemadmodum*. There can be no doubt about the validity of the indulgence of the *Porziuncola*, nor about its extension to all other churches of the Order of St. Francis; there is no authentic document to the contrary, and the Roman Pontiffs have always been aware of this and have not contradicted it. See *Synod. diæc. 1. 15. c. 18. n. 5*.

[*Latin ed. p. 362*]

Furthermore, neither should one speak of the indulgences of the Lateran Basilica, which were approved and fully granted by Benedict XIV in the bull, *Assiduæ sollicitudinis*. Ibid. Clement VIII abolished the indulgences granted in the form of a jubilee, and other Popes have done the same; therefore, if one were to speak of an indulgence of this kind, it must be determined whether it was granted after these decrees, as can be seen from the *Tractatus de indulgentiis* by Father Theodorus, part 2, chapter 4, section 2. Ibid., note 9. Clement XII, in his brief dated August 14, 1736, granted a plenary indulgence to those who, on any day of their choosing each year, recite the psalm *De profundis* under the hour of night, or once the Our Father and the Angelic Salutation, with the verse *Requiem in suffragium defunctorum*; provided that on that day they confess and receive Holy Communion, and offer prayers according to the usual custom. Moreover, those who recite these prayers as many times as the bell rings each day gain one hundred days of indulgences. *Instit. Eccles.* 61, n. 5. INFIDELITY. The Pope indicates the following as signs of infidelity in his decrees for the inhabitants of the kingdom of Serfidsche, beginning with *Inter omnigenas*: to adopt Turkish names, to frequent the temples of the infidels, namely the mosques, to profane the days of fasting by consuming meat, in order that the Mahometans may believe. He also condemns those sins which involve requesting that their bodies be buried by the Turks, with the assistance of those people and with Mahometan rites. INTERDICT. Those under interdict cannot assist at Mass and at divine services; nor can Mass be celebrated before them in the church. However, it pertains to the ministers of the Church to expel them; but if force must be used, and this is done with scandal, or even without reason, then, according to Suarez, the Mass that has already begun should not be omitted. *Inst. Eccl.* 55, n. 11.

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Those under interdict, whether they can enter the church.

[*Latin ed. p. 363*]

These [cases] are only for prayer; the question is twofold among the Doctors. Ibid. Those who, having transgressed the precept concerning the Paschal Communion, are forbidden from entering the Church, may be excommunicated by the Bishop, as is affirmed by the Doctors. Inst. Eccles. 35, n. 11. IRREGULARITIES. The Major Penitentiary [official] grants a dispensation in cases of hidden [irregularities], and only for the sake of conscience, in irregularities arising from any sin or defect, both with laymen and with clerics, whether secular or regular, so that they may be admitted to orders, or may minister in those duties to which they have been assigned, may advance to higher ranks, and may hold dignities, even cathedral dignities, and any ecclesiastical benefices, which they would otherwise have obtained canonically; and also so that such benefices and dignities (except when it is a question of voluntary homicide, or some other very grave offense, in cathedral and metropolitan churches) may be obtained even after the commission of a sin. Bulla *Pastor bonus*. It is added that, in the case of irregularities concerning religious, a dispensation may be granted so that they may advance to any regular offices and benefices, except for the Generalate of an Order, in the case of an irregularity arising from a lack of offspring. Ibid., § 31. This dispensation is granted only in conscience, in cases that are hidden; in public cases, however, it is granted in both forums, after hearing the superiors. Ibid., § 52. A cleric who takes the name of a soldier is, by that very act, deprived of his benefice and pension, as is evident from the decrees of the Roman Rota. Inst. Eccl. 101, n. 48. Regarding this irregularity, note the following: A cleric who has been instituted to a benefice and is carrying arms in the service of a lay prince, if he has participated in military expeditions in which there have been homicides, thefts, robberies, or arson, it is much more probable that he has incurred an irregularity, even if he is morally certain that he has not mutilated or killed anyone, as is evident from the decree of the Sacred Congregation in Ipren. It seems that he may be freed from the irregularity. Ibid., n. 40. The same may perhaps be affirmed of a cleric in a minor benefice, since those things which are forbidden to clerics who are ordained are also included in the prohibitions for clerics who hold benefices. Ibid., n. 23.

[*Latin ed. p. 364*]

Clerics in minor orders, if they have served in an unjust war, and if they themselves have not killed or maimed anyone, but if, however, the side to which they belong has committed murders or maimings, this introduces an irregularity in those clerics, because in that case the cleric becomes one body with his companions, and furthermore, he contributes to an illicit undertaking. Ibid., n. 8. Furthermore, if he served under his own prince, and

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did not certainly know that the war was unjust, he is not obligated to investigate whether it is just or not, but he may believe that the war is just. Ibid., n. 17. The same can probably be said of a cleric serving under a foreign prince, because it would be impossible for him to investigate whether that war is just or unjust. Ibid., n. 17. However, if the war is just, a cleric serving in it, if he is morally certain that he has not killed or maimed anyone, even if this was done by his companions, does not incur an irregularity, as can be seen from chapter "Concerning Petition, regarding voluntary homicide." Ibid., n. 10. Furthermore, if the war is just and defensive, and a cleric is ordered to take up arms, and lay people are not sufficient for the defense, he does not incur an irregularity, even if he kills. Ibid., n. 9. Illegitimate children are irregular by defect, and therefore are incapable of receiving orders and benefices; however, the Bishop can grant them dispensation for minor orders and benefices that do not involve the care of souls; unless the Roman Pontiff grants dispensation in all other cases, as can be seen from chapter "Those who," concerning the children of priests. In 6. Of the Diocesan Synods, book 13, chapter 24, n. 11. Illegitimate children of clerics cannot receive benefices and pensions in churches in which their parents obtained some benefice, even if it is different. Nor can they minister in those same churches; nor can they have any pension from the fruits of benefices which were held by their parents, according to the Tridentine Council, session 25, chapter 15, concerning Reforms. Just as there are no reciprocal resignations made by parents to clerics in favor of their children, so that such resignations would benefit the children in any way. Of the Diocesan Synods, book 13, chapter 24, n. 15. Moreover, the illegitimate son of a deceased parish priest cannot perform the office of confessor in that church which his father held as parish priest, as can be seen from the words of the Congregation forbidding that son from ministering in that church in any way, and from the response of the Holy Congregation. Ibid., n. 14. Conversely, if the father served in some church as a chaplain at the will of another, his illegitimate son can...

[*Latin ed. p. 365*]

He shall exercise the same office there; for this benefice or pension is not such that, according to the response of the Holy See, ibid. If, however, the father has obtained a dignity in some Church, the son cannot participate in the emoluments which are customarily received by priests there after a certain period of service, as stated in the response of the Holy Congregation, ibid. If the patron of the benefice commits murder, the sons and descendants of the murdered man, up to the fourth degree, are irregular, according to chapter "In quibusdam, de pœnis": understand, however, that this applies to sons born after the murder, and not before; which interpretation has also been accepted by the Holy Congregation itself, ibid., n. 21, and he and the others called to the patronage by him lose their right.

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Ibid. If the father falls into heresy, the son also will be irregular, according to chapter "Quicumque" and chapter "Statutum, de hæretic." 6. But the irregularity of the son, though not of the father, is remedied by the heresy left by the father, as stated in the responses of the Holy See, ibid. In dispensations, which are granted for the irregularity of sons born illegitimately, it is customary to add the clause: provided that he is not an imitator of incontinence; from which it follows that the Bishop must inquire into him, and ascertain whether he has presented himself with integrity of morals for ten years, and if he has not been found to have committed anything unworthy during that entire decade, he can grant him the dispensation, even if he had been suspected of incontinence before that decade, as stated in the decrees of the Holy See, "De Synod. diueces," ibid., book 13, chapter 24, n. 22.

JUBILEE. In the Jubilee year of 1780, Benedict XIV suspended all indulgences for the entire year, even the partial ones; except for the indulgences otherwise granted at the hour of death, both those which are granted by the Apostolic See and distributed by Bishops, as well as those commonly or personally granted for the same purpose: also excepted is the seven-year indulgence, and as many quadragenaries as one may gain, granted by Benedict XIII during the preceding Jubilee year, to those who, having made a sacramental confession and received Holy Communion, or at least having been truly contrite, visit [the designated place].

[*Latin ed. p. 366*]

The churches in which the sacrament of the Eucharist is exposed, and those in which prayers are offered according to custom. Also, those to which Innocent XII granted the privilege of accompanying, or sending, the Blessed Sacrament when it is brought to the sick. Also, those granted to legates from the side, and to apostolic messengers, and to Bishops in the exercise of their pontifical functions, or in the granting of blessings. Furthermore, he grants indulgences of the altars of privileged churches for the dead, for whom he also decrees that all other indulgences granted for the living shall be valid, so that they may be acquired for the dead, even if the extension of these indulgences to the dead is not expressly stated in the briefs. He also suspends for the entire year all the faculties of absolving from reserved cases, of relaxing censures, of changing vows, and of granting dispensations in those matters, and of removing other irregularities, which had been granted to churches, monasteries, etc., and to pious persons, masters, and superiors, both secular and religious, so that even during that entire year, they are not able to grant indulgences which they were accustomed to grant with crowns, grains, images, and coins of metal, etc. See the bull *Cum nos*. However, he retains the faculties of Bishops, and other supreme prelates, with regard to those under their jurisdiction, in those matters which they possess by virtue of the Council

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of Trent and by papal concession, in order to grant dispensations and absolutions, which he also extends to regular prelates with regard to their subject religious. Regarding the works prescribed in this jubilee, the Pope expresses his intention in his Encyclical *Inter præteritos*, § 2. He states that, for the Holy Communion, he intends not only a sacramental, but also a sacramental and spiritual communion. He includes the sacramental Confession among the prescribed works, so that it is absolutely necessary, even if one is not burdened with a grave sin. The day within which the visitation of the basilicas must be completed is freely chosen, either from the vespers of the preceding day until the vespers of the following day, or from midnight to midnight. Those who undertook the Roman pilgrimage, or who arrived in Rome, and were unable to perform the prescribed works due to sudden impediments, or death; if they have made confession and received Holy Communion, they gain the benefits of the jubilee. All faculties of absolving from reserved cases, and of granting dispensations, are...

[*Latin ed. p. 367*]

He declares that he is suspended, whether it be for the sake of certain indulgences, or for some other reason. The confessors of regular canons may grant dispensations in Rome at the Basilica penitentiaries, although other canons may be subject to the constitutions or privileges of those same regular canons, or privileges approved by the Holy See. The minor penitentiaries in Rome can grant dispensations, not only from simple vows, but also from those that have been confirmed by oath. Furthermore, they can absolve priests who are guilty of ecclesiastical censures, and they can grant a dispensation from an irregularity contracted solely due to the violation of ecclesiastical censures; and they can do this even with other clerics who are not priests. If someone has been dispensed from visiting the Basilicas, he is not continuously dispensed from other works that are commanded, nor even from those penances that can be separated from the visitation of the Basilicas. Nor are those works sufficient that someone is otherwise obligated to perform under another title, such as under the title of justice. The confessor cannot, during the jubilee, absolve the one who was with him and guilty of a crime in matters concerning *venerea*. The penitentiaries outside the Basilicas, or the churches assigned to them, are not permitted to use the faculties granted to them, nor except when actually engaged in the act of confession, nor with those in whom there is a lack of a sincere desire to obtain the jubilee. However, those whom they absolve, they must impose upon them a sacramental penance different from the works for gaining the jubilee. Before absolving from censures, satisfaction must be given, or at least promised under oath, to the injured party. The injured party is not the judge, but rather the one who has suffered the damage. In the constitutions of the jubilee, certain works are prescribed for Romans, or inhabitants of

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the city; other works are prescribed for foreigners. Those who live within the fifth milestone from the city are designated by the former name: as are the inhabitants of the city who have come to Rome with the intention of spending the greater part of the year there; and it is the will of the Pontiff that those who have come to Rome for reasons other than to obtain the jubilee should also be included in this number. All other foreigners, or outsiders, are called "peregrini" for this purpose. The Pontiff believes that the common opinion of theologians holds that it is not necessary to confess before performing the works prescribed.

[*Latin ed. p. 368*]

The writings; they suffice to merit an indulgence, if the last act is performed in a state of grace. If someone confesses, and then, before completing the prescribed works, relapses into mortal sin, it will not suffice for him if he is contrite, and thus completes the works while contrite. Therefore, although he is not obliged to repeat the prescribed visits, he must repeat the confession, and it is also required of him who, in the previous confession, was, through invincible ignorance, unable to confess a certain mortal sin. He permits dispensations for those who are legally considered incapable of receiving Holy Communion, with the condition that it be commuted to another work. To merit an indulgence, it is not required that one enter and exit through the Holy Door. If someone has already made certain visits to the basilicas, and then, through an indulgence that is commonly issued within the space of the Holy Year, in which the number of required visits is reduced, he can count the previous visits, and avail himself of the indulgence; just as this same indulgence is to be used by those who, before the indulgence is issued, have completed the full number of visits prescribed by the indulgence. He declares that vocal prayer should be made in the basilicas, and that it is not sufficient if prayer is offered only in the mind. If someone repeats the prescribed works more than once within a year, he can again acquire the indulgence; but he can scarcely obtain again the other favors and graces with which he was endowed the first time, such as being absolved from reserved matters, or obtaining a commutation of vows. Although the minor penitentiaries and confessors, appointed by the Cardinal Vicar in Rome, have been granted the faculty of absolving from reserved sins by the Bull *Cæna*, nevertheless, this faculty does not imply a general faculty of absolving from external heresy. Furthermore, in his constitution, which begins with *Convocatis*, he declares that he who has received absolution from censures and a commutation of vows with the intention of receiving the Jubilee, if, afterwards, with a changed intention, he does not receive the Jubilee, does not therefore incur the censure again, nor is he bound by the previous vows; but he inclines towards the opinion that the person who changes his will is guilty of a mortal sin, because he believes that a certain tacit contract is celebrated, so that the confessor, on

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his part, will...

[*Latin ed. p. 369*]

He shall participate in the jubilee of graces, and, on the other hand, the penitent shall be obligated to perform the remaining works. Besides the confessors of the basilicas, and those appointed by the Cardinal Vicar for the Holy Year, there are also other ordinary confessors in Rome, some of whom are religious; and of these religious, some are assigned by their superiors to hear the confessions of their religious brethren; while others, also religious, are approved by the Cardinal Vicar to hear the confessions of the laity. To these latter, approved by the Cardinal Vicar with respect to their religious brethren, are granted the faculties given to confessors of the laity, with the additional faculty of dispensing from irregularity incurred through the violation of censures, provided that it is concealed; but this faculty is not granted to those religious who are only appointed by their superiors. Those, however, who have the customary faculty of hearing confessions, and are not specially appointed for the Holy Year, retain the same faculty with respect to the laity that they previously possessed, for the suspension of faculties that occurs during the Jubilee does not extend to the confessors of the city of Rome; this is also the case with religious. The Pope explains all of this at length in his Encyclical, addressed to the confessors of the city, entitled *Inter praeteritos*. The Pope states in another Encyclical, *Celebrationem magni pro extensione jubilæi ad universum orbem*, that reference should be made to this Encyclical. In another bull, contained in the Bull, it is granted to the infirm of both sexes, to nuns, to Oblates, to Tertiaries living in community, to novices, and to those being educated in such communities; also to hermits and recluses, living with enclosure and solitude, under the jurisdiction of at least Ordinaries; also to prisoners and those incarcerated in any prison; finally, to the infirm, both secular and religious, and to the elderly over seventy years of age, that they may be able to avail themselves of the indulgences, provided that the Bishops and superiors change the works assigned to them. Furthermore, it is granted to nuns, even novices, that for the first time only, they may choose confessors, whether religious or secular priests, approved by the Ordinaries to hear the confessions of nuns. To hermits, Oblates, and Tertiaries, and to women...

[*Latin ed. p. 370*]

Even those dwelling in convents, those held captive in prisons, those hindered by infirmity and old age, all are granted the faculty for this purpose, so that they may choose a confessor, whether secular priests or religious of any order approved for hearing the confessions of secular individuals; from whom they may be absolved from reserved matters, even those reserved to the Apostolic See, and as stated in the bull *Cæna*. However, it is desired that those detained in prison, whose criminal cases are not yet concluded,

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be reminded of the obligation by which they are bound to truthfully answer the questions of secular judges. It is also desired that those confessors chosen by nuns, oblates, and other young women mentioned above, may grant dispensations regarding vows made by nuns after their profession, the observance of which can be combined with their religious profession. Regarding the granting of indulgences, as well as for tertiaries and those dwelling in convents, it is granted that confessors may grant indulgences, even those that are sworn, except for those reserved to the Apostolic See. Furthermore, another bull, which begins with the words *Pastoris æterni*, grants to apostates and those who have fled from any order, who return to their religion within four years, and beyond the mountains within eight months, from the publication (which was published on January 19, 1750) of the same bull, remission of all penalties incurred and to be inflicted for apostasy, and furthermore, impunity, provided that they confess their fault before their superior and obtain absolution from him. The extension of the Jubilee was made throughout the entire world in this manner. Within six months from the publication of the bull beginning with the words *Benedictus Deus*, from the date of publication, the Pope grants a Jubilee similar to that of Rome, which may also be obtained by those who had already obtained it in Rome the previous year. Furthermore, it is decreed by the local Ordinaries that the cathedral church, or the largest church in the same city, along with three other churches in the same city, or locality, or suburb, should be visited by the faithful at least once during fifteen continuous or interpolated days, beginning on the first vespers of the preceding day and continuing until the vespers of the following day, where they should pray in the customary manner. Those traveling by sea, and those traveling, even if they have returned after the term of the Jubilee has expired, to their homes, or have deviated elsewhere for a certain...

[*Latin ed. p. 371*]

Those who visit the Cathedral Church, or a larger church, on designated days, and receive confession and Holy Communion, shall obtain the same indulgence. It is also permitted for those who are unable to do so in person to fulfill these requirements by performing other works assigned to them by their superiors, either directly or through prudent confessors. It is also permitted to exchange the sacramental communion with children who have not yet been admitted to Holy Communion. Furthermore, when communities, whether of regular or secular clergy, chapters, congregations, sodalities, universities, or colleges, visit the church in procession, the number of such visits may be restricted. Regarding monks and nuns, it is permitted for them to choose any confessor approved by the Ordinary of the place for this purpose. Regarding all other religious, it is permitted for them to choose any confessor, whether regular or secular, approved by the Ordinary of the place, from whom they may receive absolution in the forum of con-

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science from all censures, whether imposed by law or by men, even those reserved to the Apostolic See, even those mentioned in the *bulla Cænæ*, and to change even their sworn vows, also reserved to the Apostolic See, except for the vow of chastity and religious life, and those rights which have been acquired by prescription, and to grant dispensation regarding any irregularity, provided that it was contracted due to the violation of censures. However, the Ordinary retains the customary power of absolution concerning the accomplice in the matter of *venerea*. Finally, it is declared that those who, having made vows with the aforementioned faculties, later change their will regarding the obtaining of the Jubilee, do not thereby incur prior censures, nor are they bound by their vows, although they may be judged to be scarcely free from the guilt of sin. Finally, those who, prevented by death, are unable to complete the required number of visits, are granted the same indulgence if they have received confession and Holy Communion. Absolution from heresy, even if not expressly reserved in the Jubilee *bulla*, is still not permitted, even if the *bulla* generally permits absolution from crimes expressly mentioned in the *bulla Cænæ*, as decreed by the Holy Congregation of the Holy Office on March 23, 1636, under Alexander VII, *Instit. Eccles.* 48, no. 15. In the Jubilee, confessors approved by the Ordinary of another place are permitted [number] 31.

[*Latin ed. p. 372*]

They have no power to absolve. Nor do those who have once received this power from the local Ordinary; but only insofar as that power has ceased. Thus, from several decrees of the Sacred Congregation of the Council of Trent, number 84, paragraph 27. However, it is added by the same Congregation that the faithful should not be troubled if they have been absolved by such confessors in good faith. Ibid., paragraph 27. JEWS. If a Jew, married, comes to the faith, while his wife perseveres in infidelity, he cannot send her a bill of divorce, even outside the Jewish community, and before a notary, with Christian witnesses. Those who contravene this sanction, if they validly effect the divorce within the Jewish community, and with the rites of superstition, are subject to the same penalties as those who judaize; however, the one who does so outside the Jewish community should be punished more leniently. Christian notaries are punished with a monetary penalty, as stated in the Apostolic Constitution concerning ecclesiastical matters, where it is also stated that a Hebrew woman converted to the faith should not send a bill of divorce to her husband who perseveres in Judaism. It is forbidden to Christians, under pain of excommunication, to cohabit with Hebrews, according to chapter 5, concerning Jews. From the book of Diocesan Synods, book 6, chapter 4, paragraph 2. Nor should they render continuous service to them for wages. Ibid. Hebrews converted to the faith are not to be deprived of their property, nor excluded from inheritance and the inheritance of their parents, as stated in the Bull of

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Clement XI, *Propaganda*. Those descended from Jews, unless otherwise stipulated in the foundation of benefices, or unless the Supreme Pontiff has otherwise decided, cannot be excluded from the enjoyment of benefices, even according to the constitutions of particular Churches, as stated in chapter *Eam te*, concerning rescripts. The same must be said of those who descend from infidels. From the book of Diocesan Synods, book 12, chapter 1, paragraphs 4 and 3. The same must also be said of the sacred orders. Ibid., paragraph 3. SYNODAL JUDGES. Synodal judges, to whom the Roman Curia entrusts cases to be judged in parts remote from the Curia, should be designated persons constituted in ecclesiastical dignity, who...

[*Latin ed. p. 373*]

Those who obtain a personal or canonical position in any cathedral church. These are to be designated by the Bishops in synods; and if anyone dies before the celebration of new synods, another can be substituted, even outside the synod, by the Bishop with the consent of the chapter, until the new synod. Those designated, whether in synods or outside, have their names presented to the secretary in a petition to the Holy Father. At least four are to be designated in each diocese, or more if the size of the same requires it. Constitutions of Pernes. JURISDICTION. A lower prelate, in order to obtain a separate territory, and ordinary jurisdiction, and quasi-episcopal authority over the clergy and people, without the exclusion of the Bishop himself, is not aided by the forty-year prescription with a colored title, but requires a clear and permanent Apostolic privilege, or an immemorial custom duly proven, by which that privilege is legally presumed to be valid, which was formerly decided by the Holy Congregation of Councils on January 7, 1721, then approved by Clement XI on January 14, and confirmed by Benedict XIV in his Bull. Then it is said that a custom is duly established, when in some place, from time immemorial, a lower prelate has exhibited all the appearance of jurisdictional acts entirely on his own, so that the Bishop, in whose diocese the place is located, has had no part in these matters during that time, nor has ever interfered in them. From the book on Diocesan Synods, book 13, chapter 8, paragraphs 18 and 21. Bishops, even if they have chapters that are entirely exempt, can, by themselves, without the addition of members from the chapter, visit the church, canons, and beneficiaries, as decided by the Holy Congregation of Councils in a case from Zamora, although they cannot entrust this duty to another. From the book on Diocesan Synods, book 15, chapter 9, paragraph 6. However, if they wish to proceed beyond a visitation, they are required to have two canons from the chapter as assistants, to be designated each year by the chapter, but those two canons

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constitute only one vote; and if both agree with the Bishop's opinion...

[*Latin ed. p. 374*]

On the contrary, then the process must proceed to a third election, according to the formula prescribed by the Council of Trent, Session 25, chapter 6, concerning Reforms. Thus, from numerous decrees of the Holy Congregation of the Council, and from the comparison of two passages from Trent, one in Session 6, chapter 4, the other in Session 25, chapter 6, concerning Diocesan Synods, book 13, chapter 9, number 7, and following. LEGITIMATION. It is the common opinion that a child is not legitimated by subsequent marriage, when the union was entered into between impeded parties, and the child was born while that impediment persisted. However, if it is established that the child was born after the impediment was removed, and there is doubt as to whether the conception occurred while the impediment still existed, then judgment must be rendered in favor of the child. Letter to the Archbishop of Spain, Received by Us. ECCLESIASTICAL LAW. Those who reside in a diocese are not bound by an episcopal or synodal law, but who leave the diocese intending to return soon, if in the meantime they do something contrary to that law outside the boundaries of the diocese, because the law, by its nature and immediately, concerns the territory. However, it is not equitable to grant protection to one who is absent from the diocese with the intention of evading a synodal statute; therefore, he then sins against that same law. Thus, Clement X, in the Constitution *Superna*, decreed that penitents departing from the territory in order to defraud [the jurisdiction] are not to be absolved from reserved matters. Concerning Diocesan Synods, book 15, chapter 4, number 9, and 10. A law promulgated by a Bishop outside of the synod, but after having heard the advice of the chapter, is far more likely to endure even after the death of that same Bishop, because it is no different from a law promulgated in the synod, which is also sufficient to endure even after the death of the Bishop. Concerning Diocesan Synods, book 15, chapter 5, number 1. A synodal law, if not accepted by the people, although those who refuse to accept it are sinful, nevertheless, if the superior learns of this after a few acts of neglect by that person, and those acts are not punished, then the law ceases to bind due to a certain connivance on the part of the superior. Concerning Diocesan Synods, book 13, chapter 5, number 3. However, if the Bishop is unaware of this, then ten years is sufficient.

[*Latin ed. p. 375*]

It is considered so. For this suffices to declare a custom to have existed for a long time. Book 43, chapter 3, paragraph 3. If, moreover, it has already been accepted, a prescription contrary to it is introduced over a period of ten years: for we are not speaking of a prescription by which some right of property is taken away from the Church, which prescription requires forty

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years. However, it is required that it has been freely introduced by a majority of the community, frequented by continuous acts, with the intention of abolishing the law, and that there is at least legal and juridical consent from the legislator, as the laws require. Concerning the Diocesan Synod, book 43, chapter 3, paragraph 3. The law of a diocesan synod obligates the entire province, if it obtains confirmation from the Apostolic See in a common form, as is usually the case, and which is often conceived in these words: "If it has been done justly, canonically, and prudently, and provided that it does not contradict the sacred canons, the decrees of the Council of Trent, and the apostolic constitutions: then it can certainly be abrogated by the Bishop, provided that the law of the same remains." If, however, the confirmation is given in a specific form, with knowledge of the cause, with each statute examined, and if, in the confirmation, it is added ex motu proprio, and from certain knowledge, then it certainly becomes a law of the Pope, in which the Bishop cannot dispense. Concerning the Diocesan Synod, book 43, chapter 3, number 11. MOTHERS. Is a mother bound to nurse her own child under grave guilt? Some theologians have affirmed this, noting that this burden is imposed upon them by nature, and that there are no animals that do not provide this to their offspring; however, others better acknowledge the guilt in this matter to be light. Nevertheless, there are several legitimate reasons for excusing mothers from this burden, which must certainly be admitted. Concerning the Diocesan Synod, book 41, chapter 7, paragraphs 10 and 11. MARRIAGE. The parish priest is bound to assist at the marriage, unless he is prevented by a legitimate and most serious cause. In the Encyclical to the Bishops of Poland, "Nimia licentia," the Pope believes that one should abstain from the question debated among theologians, whether the parish priest is a minister of this sacrament.

[*Latin ed. p. 376*]

Or rather, those very ones who are contracting the marriage should possess, simultaneously, the matter, the form, and the ministers of this sacrament. The foundations of both opinions are to be seen extensively in the diocesan synod, book 8, chapter 13, number 1, and following. Although he seems to lean towards the opinion that the contracting parties possess the contract and everything that pertains to the sacrament. However, those are to be blamed who do not require from those entering into marriage knowledge of Christian doctrine, at least of those things which are necessary for salvation. For Clement XI himself, and also Benedict XIV in a certain Encyclical, which is in his Bullarium, ordered that the parish priest should inquire from those about to be married, about those things which are necessary for salvation, and if he finds that they are ignorant, they should not be joined in marriage. Furthermore, Giribaldo warns that those who know the principal mysteries of the faith, but hold only a rudimentary

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understanding of those things which are of the necessity of the precept, can, indeed, be delayed from celebrating the marriage for a time, and in the meantime, the parish priest should diligently instruct them, and if he finds them to be of dull wit and of weak memory, so that they cannot become more learned, he is then bound to join them in marriage. Concerning the diocesan synod, book 8, chapter 14, number 1, and following. Marriage ought to be celebrated before the parish priest, or another priest with the license of the parish priest, or of the Ordinary, and with two or three witnesses, which are the words of the Council of Trent, regarding reforms of marriage, session 24, chapter 1. Furthermore, the Pontiff considers it reprehensible the sluggishness of some bishops, who in their synods have decreed that marriage ought to be celebrated before a legitimate minister, from which some theologians have inferred the opinion, and to confirm their opinion, that the parish priest is the legitimate minister of the sacrament of marriage. If a bishop generally forbids a parish priest to assist at marriages, nevertheless, the marriage is valid, as the Sacred Congregation of Councils and the Pontiff state in the treatise on diocesan synods, book 12, chapter 5, number 2. But if this prohibition comes from the Pontiff with a decree that nullifies, then indeed the marriage is not valid, since the Pontiff can legitimately establish impediments. Unless, however, this prohibition has a decree that nullifies it, the marriage is valid; since that impediment is to be considered as impeding, but not nullifying. Ibid., number 5.

[*Latin ed. p. 377*]

The parish priest before whom a marriage can be celebrated is the parish priest of the domicile, not of the origin, as is clear from the consensus of the authorities and the sense of the Holy Congregation. *Instit. Eccles.* 33, n. 6. Therefore, if someone has two domiciles in two different parishes, the marriage can be celebrated in either parish; however, it is required that he have a morally equal residence in both. *Instit. Eccles.* 33, n. 6. A rural parish priest, to whom someone goes for the purpose of rural work, is not suitable for the marriage of the one who resides there for recreation and for rural business; thus, the Holy Congregation has perpetually decided. Ibid., n. 7. There is no marriage for him who, having left his proper domicile, but not having abandoned it, goes to another place with the intention of being joined in marriage there, without acquiring a new domicile, or something like a domicile, as is perpetually understood by the Holy Congregation. Ibid., n. 8. Regarding marriage, the parish priest of vagrants is the parish priest of the place where they are then located, as is understood by many theologians. Ibid., n. 10. However, vagrants must be carefully distinguished from travelers. For vagrants are those who, having left their proper domicile, wander in search of something; while travelers are those who, without leaving their domicile, travel somewhere. Ibid., n. 10. Students, judges, doctors, etc., who reside somewhere under a contract, acquire a

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domicile in that place if they remain there for a suitable time. Thus, from the decrees and decisions of the Holy Congregation. Ibid., n. 11. Regarding the marriages of those who are detained in prison, if they are detained in prison by order of a judge, or by a permanent or temporary official, then, with respect to them, the parish priest of the place where the prison is located is the parish priest for the marriage. But if they are detained in prison until their case is resolved, then the parish priest of that place is the one where they have their domicile. Thus, from the sense of the Holy Congregation and the decrees. Ibid., n. 12. Regarding those who are exposed and are being cared for in a hospital, the chaplain of that same hospital is not the parish priest for the purpose of marriage, but rather the parish priest where the hospital is located. As is clear from the decrees of the Holy Congregation. Ibid., n. 14. Those who are being educated in a monastery have as their parish priest for the purpose of marriage the one in whose place is the *paternum* domicile.

[*Latin ed. p. 378*]

Concerning the spiritual or fraternal bond, as many Theologians state. Ibid. n. 16. If the parish priest is located in the place where the monastery is situated, then those who have a home and family in a different parish from that in which the monastery is located, shall have the marriage celebrated before the parish priest in which their home and family are situated. Thus it is stipulated in the statutes of Rome, Ibid. n. 20. If, however, the family resides outside the city, and the individuals minister within the city, then they must contract the marriage before the city parish priest. Inst. Eccl. 88. n. 5. If the Bishop commands a certain parish priest to assist at a marriage, considering him to be the true parish priest of one of the contracting parties, and if it is later discovered that he is not truly the parish priest of either of them, nevertheless the Bishop's command remains valid, so that this marriage may be valid, as is reported in the decision of the Holy Congregation. Instit. Eccles. 88. n. 4. A marriage contracted in good faith before a parish priest and a single witness is not valid, as is evident from the response of the Holy Congregation. De Syn. diæc. l. 12. c. 5. n. 5. Conversely, a marriage is valid contracted before two witnesses without a parish priest in a place where there is only a heretic, or if there is a parish priest, but there is no freedom to approach him. Ibid. If a parish priest is present, but neither sees the contracting parties, nor hears their words, then the marriage is null, as was defined by the Holy Congregation after a careful examination in the Roman case on March 7, 1700. However, if the parish priest pretends not to understand the words of the contracting parties, the Holy Congregation, in a decree of the year 1593, in the Lisbon case, responded that the marriage is valid. De Syn. diæc. l. 13. c. 25. n. 5. But, if the parish priest pretends not to hear, if he is unwillingly brought to celebrate the marriage, and, having made an effort, he does not want to see or hear, although he could easily

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do so, and the witnesses have heard and seen, then this was the reason for the decree of the Holy Congregation in Carthage. matrim. ann. 1755. concerning the validity of a similar marriage. Ibid. n. 14. A parish priest to whom the Bishop has forbidden to intervene in a marriage, does not thereby render the marriage invalid. Thus, according to the decision of the Holy Congregation. De Syn. diæc. l. 13. c. 23. n. 1. The same applies if the Ordinary only forbids the vicar, not the parish priest, from assisting, but he, in defiance of the command, does assist. Likewise, it must be judged in the same way, if either the parish priest, or...

[*Latin ed. p. 379*]

If a vicar, forbidden by the Bishop, compels unwilling and reluctant parties to assist [at a marriage], it is permitted. Ibid., from the same decree. Spouses are not to be joined in marriage by a parish priest, if he discovers that they are ignorant of matters necessary for salvation. Encyclical *Etsi minimè*. Regarding the impediment of disparity of cult, it must be noted that if one spouse has converted to the faith, leaving the other in infidelity, the faithful spouse should admonish the infidel, asking whether he wishes to live together without offending the Creator, and without this admonition, the faithful spouse cannot proceed to take the second vows. However, the Pontiff grants a dispensation to the catechumens of the pious place of Venice, who have been baptized, so that they may marry, even without the consent of the other spouse who remains in infidelity, provided that it is clearly and extrajudicially established that the infidel could not, in any way, be admonished, although it may later be discovered that the infidels were converted to the faith at the time of the second marriage of the baptized. Constitution *In suprema*. If the infidel spouse comes to the faith, and the other consents to live with him without offending the Creator, even if he wishes to persevere in infidelity (which is to be judged by the Bishop), then the Holy Congregation has decreed that the converted spouse cannot take another spouse. But, simply because the other wishes to persevere in infidelity, many theologians hold that there is sufficient danger in the neophyte. However, Cabassutius rightly points out that the solution to this doubt depends on the customs of the regions and the circumstances of the cases. *De Syn. dicec.*, book 15, chapter 21, paragraph 1. It can happen that the infidel takes several wives while in infidelity, then comes to the faith, and one of these wives is also willing to receive the faith, but not the one who was married first, who, due to the distance of places, or through being unaware, cannot be legally required. Finally, after a renewed marriage with the one who has come to the faith (which cannot be done without a renewal of consent before the parish priest and witnesses, since the previous consent, given while in infidelity, was null due to the previous marriage with the other), the former wife appears, and proves that she was not warned, or that she was prevented from expressing her will, and now declares that she

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is willing to embrace the faith, or that she has already embraced it before the marriage of the neophyte with the neophyte. In this situation, Pope Pius V. granted a...

[*Latin ed. p. 380*]

To men, that they might be able to administer the sacraments to baptized Jews, with the effect of remaining as with a legitimate wife, with that wife who has also been baptized. Pope Gregory XIII granted this faculty to bishops, parish priests, and priests of the Society of Jesus, to administer the sacraments of confession in those regions, concerning those who, having been taken captive from England, Ethiopia, and Brazil, and transported to remote regions, might enter into marriage with any faithful person, even if the unfaithful spouses could declare themselves to have been justly hindered in expressing their will, or even if they could prove that they had been converted to the faith at the time of the second marriage. It is certainly demonstrated that these constitutions could have emanated from those Popes; but it is clearly established that they cannot be extended to other regions, however similar reasons may be present. Therefore, if, perchance, a case arises, a dispensation must be requested from the Holy Pontiffs. From the Diocesan Synod, book 13, chapter 24, paragraph 3 and following. If an unfaithful person takes an unfaithful spouse, the marriage is valid, as if the other spouse were living, and a second marriage is not valid, since the marriage is established to have only one spouse. Ibid., paragraph 8. If a marriage is entered into between two people who have a grave error concerning the substance of marriage, such as among the Greeks, who believe that the bond of marriage is dissolved by the adultery of either spouse, this erroneous opinion does not affect the validity of the marriage. Thus, the Holy See decided on January 15, 1724. From the Diocesan Synod, book 13, chapter 22, paragraph 4. However, if this opinion is brought into a contract as a condition for actually entering into marriage, then the marriage is null, as always happens when a condition contrary to the substance of marriage is attached to the marriage, according to the decree of Gregory IX, chapter "De Appositis." Ibid., paragraph 3. Hence, the case of Kosso was resolved by the Holy See on May 20, 1754. In the formula used by Calvinists when entering into marriages, the minister asks the groom, "Do you take her as your wife?" The groom responds, "I do." The bride repeats the same words to the minister. Then the minister again addresses the groom: "You love the person you hold in your hand, and you take her as your perpetual wife, and you will not abandon her in any of her troubles, as long as..."

[*Latin ed. p. 381*]

"Whether she shall remain in her honor and purity?" Thus the bride says. Furthermore, as long as she remains in her honor and purity, in the sense of the Calvinists, it denotes that the man is taking the bride as his

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wife, and as long as he has not committed adultery, the bond of marriage is considered to be dissolved. Therefore, these marriages are celebrated with a condition opposed to the perpetuity of marriage, which is, indeed, attached to the essence of the marriage, as confirmed by the Council of Florence in the decree concerning the union of the Armenians, and by the instruction of Clement VIII for the Italo-Greeks, confirmed by Benedict XIV in his constitution *Etsi Pastoralis*, which is number 57 of the Bulls. Therefore, it was rightly defined in the Congregation of the Holy Office on May 20, 1754, that such a marriage did not exist, and therefore, it was entirely valid for either party to pass to other vows. See the Diocesan Synod, book 1, chapter 22, paragraph 9. It has not been judged to be an impediment that both parties previously said, "I take this person as my spouse," and then, in a new question, both added a condition, because both the first and the second question are considered to be one and the same act. From these considerations, the Holy Congregation resolved a case on July 8, 1724. A man and a woman agreed to celebrate a marriage before the Church, so that they should not consummate it in any way, but after fifteen days, the woman would enter a monastery, and after a year of probation; meanwhile, she renounced all rights that she might acquire from the marriage in the person of her husband, and agreed that if either of them should break these agreements, the marriage would be declared null and void. Thus, an agreement was made between them, and these agreements were recorded in writing, and communicated to witnesses and the parish priest, before whom the marriage appeared to be improper. The Holy See declared this marriage to be null because, according to chapter "If conditions," of the title "Concerning conditions added," since the renunciation made by both parties of power over the body of the other is openly contrary to the substance of marriage. Although these agreements were not expressly expressed in the very celebration of the marriage, it was nevertheless clear from what preceded and followed, that the spouses did not recede from them. Ibid., paragraph 10. A marriage contracted in infidelity is not immediately dissolved by the baptism of one of the spouses, and the renunciation of the other, but rather, at that time, the baptized one may pass to other vows.

[*Latin ed. p. 382*]

Letter to the Vicar General concerning the Baptism of Jews, etc. At the end of the month, etc. See regarding the Diocesan Synod, book 6, chapter 4, paragraph 4. Jews cannot validly marry heretics, notwithstanding the difference in worship. Letter to the Cardinal Duke of York, dated February 9, 1749. § 11 and following. Bullarium. Now, in the case where one of the spouses converts to the faith, leaving the other, who does not wish to cohabitate without offending the Creator, and then the latter also converts to the faith, and in the meantime, after the second has converted, the first spouse enters into a second marriage, it is advisable to petition the Pontiff

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to dissolve the marriage contracted in infidelity, in favor of the second marriage; the Pontiff, however, doubts and believes that this should not be done unless there are very serious reasons. Regarding the Diocesan Synod, book 6, chapter 4. Catholics who celebrate a marriage with a heretic, even in places where heretics reside, commit a very grave sin, because by doing so, they communicate with them in divine matters, which, unless there is a very serious reason, is illicit. If, however, after having contracted the marriage before a Catholic priest, they can again be joined before a Protestant minister to avoid serious damages, the question is; to which the Holy Congregation responded that if the heretical minister assists at these marriages as a civil minister, then Catholics do not commit a sin; otherwise, if he assists as a minister of the sacred rites. Thus, the Pontiff believes, in the Diocesan Synod, book 6, chapter 5, paragraphs 4 and 5. Marriages of a Protestant heretic with a heretical woman, celebrated before a non-Catholic priest in the United Provinces, are to be considered valid. Decree approved by the Pontiff on November 4, 1741. Bullarium. This also applies to marriages celebrated in those regions, even if a heretic governs Cattolica, although the latter should be considered illicit. Ibid. The same is found in the Letter to the Cardinal Duke of York, dated February 9, 1749. Bullarium. See regarding the Synod, book 6, chapter 6, paragraph 12. Marriages between a Catholic and a heretical spouse are much more properly not to be blessed, nor is Mass to be celebrated in the presence of a heretic, nor should the marriage rites be performed within the confines of the Church, which some report to have been forbidden by Clement VIII concerning certain blessings. Regarding the Diocesan Synod, book 6, chapter 5, paragraph 5. Marriages entered into by Greek Catholics in the Eastern Church.

[*Latin ed. p. 383*]

After receiving Holy Orders, it is doubtful whether they are capable of marriage, or whether marriage is simply illicit for them; therefore, if this should occur, a dispensation must be requested from the Apostolic See, but in the dispensation, no condition is expressed regarding the renewal of consent between the spouses. Regarding marriages between Italians and Greeks entered into after Holy Orders, there are none. The impediment arising from adoption is explained by the Pope in *Tractatus de Synodo Diocesana*, book 9, chapter 10, paragraph 4: ”Marriage cannot be entered into between the adopter and the adopted person, nor between the adopter and those descended from the adopted person; this type of impediment always remains in force as long as the adopter and the adopted person live. Secondly, between the adopted person and the natural children of the adopter. But this impediment lasts as long as the adoption persists, or as long as the children remain under the adopter’s parental authority; for when this is dissolved, either by the death of the adopter, or by the emancipation of the adopted person, whether adopted or natural, the impedi-

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ment ceases. Thirdly, between the adopter and the spouse of the adopted person, or conversely, between the adopted person and the spouse of the adopter, and this always remains in force. Whether these impediments apply equally to perfect and imperfect adoptions is a matter of dispute among the Doctors." A perfect adoption occurs when a person of their own right, by a decree of the prince, passes into the power and family of the adopter, so that they become as a legitimate son, and are the necessary heir both by intestacy and by will. An imperfect adoption is said to occur when a person placed under the authority of a father or grandfather is, by the authority of a magistrate or other competent judge, adopted as a son or grandson; however, they do not pass into the family and power of the adopter, and succeed only by intestacy. In *Tractatus de Synodo Diocesana*, book 9, chapter 10, paragraph 4. Marriages of children contracted without the consent of the parents, even if they are considered invalid for civil effects in Gaul, such as the invalidity of the dowry and the community of property between husband and wife, are nevertheless to be considered valid in the matter of the sacrament, and those who hold the opposite view are to be entirely rejected. In *Tractatus de Synodo Diocesana*, book 9, chapter 11, paragraph 2. In a marriage between a pubescent and an impubent, if malice is present, the Bishop can, by his own authority, grant permission for the marriage. Encyclical to the Bishops of Poland, *Magna nobis*.

[*Latin ed. p. 384*]

In such a case, a cumulative right exists between the Apostolic See and the ordinary judges. Ibid. Regarding marriages between those who are not yet of age and therefore not fit for marriage, only the Roman Pontiff can grant a dispensation. Ibid. Impediments hindering marriage can be relaxed by the Bishop, except for the impediment arising from previous betrothals, and that arising from a vow of perpetual chastity, and entrance into religion, unless these have been conditioned. However, no one can remove impediments that render marriage invalid, except the Roman Pontiff. However, the case which I immediately submit is an exception. If it should happen that a marriage has already been contracted before the Church with all the solemnities, and has been entered into in good faith due to ignorance of a legal and factual impediment, and has been consummated, but the impediment remains hidden, and the Pontiff cannot be approached, or a dispensation cannot be obtained from him due to the poverty, rusticity, distance of the place, etc. of the spouses, nor can a separation be granted without scandal; while all these circumstances are present, then a dispensation may safely be granted by the Bishop, which may also be granted by a major Penitentiary of the Pope, but only in the forum of conscience. Therefore, if that impediment is later revealed, and brought before a contentious forum, a dispensation must be obtained from the Supreme Pontiff. From the Decrees of Diocesan Synods, book 9, chapter 2, paragraph 1. Perhaps

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the Bishop may also be able to grant a dispensation in a hidden impediment that prevents marriage, when a marriage is about to be contracted, in a case where such circumstances arise that neither the Holy Father can be consulted, nor can the marriage be postponed without scandal or infamy to the contracting parties. Then the Holy Father should be considered to tacitly delegate the power to grant a dispensation to the Bishop. Ibid., paragraph 2. With these circumstances clearly defined, it is not permitted for anyone to grant a dispensation to the Bishop in public impediments that prevent marriage. For it is not true and sound, that axiom adopted by some: Whatever the Pope can do throughout the world, except for those things that concern the entire state of the Church, such as defining an article of faith, the Bishop can do in his diocese, unless the Pope has reserved that for himself. For an inferior cannot relax a law enacted by a superior. Some claim a custom; but let them consider carefully, since the matter concerns a dimin-

[*Latin ed. p. 385*]

Concerning matters of law. The Roman Pontiff alone is competent to decide, provided that a period of at least one hundred years has elapsed without any interruption. It must also be considered, and indeed, it is most important, whether this custom undermines the nerve of ecclesiastical discipline; for then it is never contrary to the law that it is prescribed. Chapter. Concerning customs. Treatise on Diocesan Synods, book 1, chapter 9, number 3. In marriages, for their validation, the Holy Penitentiary does not grant a dispensation in the first and second degrees of consanguinity or affinity arising from a licit marriage, unless, perhaps, in the second degree, if a hidden impediment has persisted for ten years, and the spouses have been considered legitimate. In all other cases, it grants a dispensation, as in the third and fourth degrees, publicly validating marriages due to a hidden impediment, and Apostolic letters are not in any way effective, unless the falsehood consists in a false account of a previous marriage. Bull of *Pastor Aeternus*. See *Institutiones Ecclesiasticae*, 87. If, in a dispensation obtained from the Dataria concerning prohibited degrees, a marriage is concealed due to the cause of infamy, then the Holy Penitentiary grants a dispensation both in contracting and in a marriage already contracted, but when it concerns the first to the second degree, it requires a composition of 50 ducats of gold from La Chambre, unless prior grace has been granted in the form of the poor. Ibid., § 41. If, in a dispensation requested from the Dataria concerning impediments of degrees, a marriage is expressed, but with a tacit intention to more easily obtain the dispensation, then if the bad intention is hidden, the Holy Penitentiary grants an absolute dispensation to miserable persons, and to others, with a defined tax. If, however, the marriage has been entered into with an affinity, or consanguinity, not acknowledged, then it is not necessarily required to be

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expressed for dispensations. *Institutiones Ecclesiasticae*, 87, number 23. In hidden impediments of affinity arising from an illicit marriage, even in the absence of the danger of scandal in contracting and in a marriage already contracted, a dispensation is granted in the forum of conscience. It also grants a dispensation in the impediment of a crime, both for a marriage already contracted and for one being contracted, where there is no deceit. It can also grant a dispensation when it concerns deceit on the part of only one of the parties; however, this is rarely done. Ibid., number 44. In impediments, it also grants a dispensation even if there are many, just as it grants a dispensation in the forum of conscience for the legitimization of offspring, unless they were conceived in adultery. Ibid., number 45.

[*Latin ed. p. 386*]

In matters concerning dispensations for impediments to marriage, particularly those pertaining to prohibited degrees, if a prior union is concealed, and if, furthermore, there is an intention to more easily obtain the dispensation, the rescript is vitiated, as stated in *De Institutione Ecclesiastica*, 87, number 13. However, in valid marriages, if this defect remains hidden, the Penitentiary grants a dispensation. Ibid., number 14. That clause concerning dispensations in marriage stipulates that absolution and dispensation in the judicial forum are not entirely sufficient; rather, it possesses the force that, if an impediment, previously hidden, is made public, the Ordinary can separate the spouses from each other. Nevertheless, if they secretly render to each other what is due, without scandal, they do not sin, as Navar holds. Ibid., number 50. If the Ordinary, suspecting an impediment, wishes to proceed with an investigation into the crime, he can, indeed, he must do so, even if the accused protests about having obtained a dispensation. However, if he is informed of the matter by someone worthy of trust, such as a confessor or a parish priest, who can secretly testify to the Bishop, then the Bishop must acquiesce and should not proceed to punish the crime, as the Author notes in *De Clericato*. Ibid., number 50. The final clause is stated as follows: "After the woman has been informed of the nullity of the prior consent, but with caution, etc." The opinion of those who believe this to be a condition is rejected; rather, it is understood that the confessor should be informed, so that he may be more certain about the contract; and that this is a true condition, expressed in the absolute ablative, as is the opinion of jurists. *De Institutione Ecclesiastica*, 87, number 68. The opinion that, when the revelation of the impediment cannot be made, it is sufficient for the informed party to have a union with the ignorant party, while the prior consent of the ignorant party was null, and therefore there is none on their part, and thus it must be renewed, is also rejected. Similarly, the opinion of those who suggest that the informed party should propose the impediment to the other, saying that they love them so much that they wish to be bound to them again, and if the other responds affirmatively, the

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consent is considered renewed, is rejected. This opinion is rejected because the consent given by the ignorant party is a consent joined with error, and therefore the condition, "after the woman has been informed," is not fulfilled. The fourth reason, which is preferred, for making the ignorant party more certain, occurs when the ignorant party is told that there was no valid consent in the prior marriage; and thus, by persuasion,

[*Latin ed. p. 387*]

The professor should propose that the matter be renewed by both parties. Ibid. n. 78. But what if there is fear that, through ignorance of the certainty of the nullity, one party might refuse a new celebration, having been thus supposedly absolved from the marriage, and fear that children born previously might be declared illegitimate? In that case, there is no reason to doubt the legitimacy of the children, for they are always considered legitimate when the impediment is hidden, and at least one of the spouses is acting in good faith. However, if the fear of scandal persists due to the dissolution of this marriage, the Author suggests that the case be presented to the Sacred Penitentiary through new letters, or that recourse be had to the Bishop, who will advise what is deemed appropriate. Ibid. n. 80. Matrimonial causes entrusted to the Roman Curia in various regions are not delegated except to Bishops, or if there is none in the diocese, at least to neighboring ones; and if even they are absent, to synodal judges. Furthermore, the Pope commands that in each diocese a defender of the marriage be appointed, who should always be present in the judgment, and be cited in all proceedings. If, however, the judge in the region renders a judgment in favor of the validity of the marriage, no appeal should be allowed from that judgment. Conversely, if the judgment is in favor of the invalidity, the defender must appeal within the legally prescribed time, whether or not the other party appeals. While an appeal is pending, the spouses are forbidden to enter into new marriages, under penalties established against polygamy. After two concurring judgments confirming the nullity of the marriage, it is permissible for the spouses to enter into new marriages, provided that the other party, or the defender, does not believe that an appeal should be made, according to their conscience. Ibid. The Pope declares in the Encyclical addressed to the Poles that prior agreements entered into between spouses regarding not appealing from a judgment of the nullity of the marriage are invalid. Marriages between heretics, without the presence of a parish priest, in the federated provinces of Belgium, are valid, since the Council of Trent is not accepted there; likewise, marriages between a heretic and a Catholic are upheld by the inhabitants of those places. The same is established if both parties belong to military orders of the federated provinces of Belgium, dedicated to defending the fortifications commonly called "di Barriera." This extends to those contracting parties in the city of Mosæ Trajectensis. But if parties residing in the federated provinces wish

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to contract marriage in the region-

[*Latin ed. p. 388*]

Concerning Catholics, or those who, in turn, wish to marry in ceded provinces, when they have their domicile in Catholic regions, nothing is decreed concerning them. *Constit. Matrimonia*. Marriages should not be dispensed from without a grave reason by the Bishop, the Pontiff commands. *Constit. Satis vobis*. However, in that case in which a dispensation is granted, He commands that the names of the contracting parties, and the faith of the marriage celebrated by the appointed minister, be noted in a secret book, which is to be written and kept sealed with seals in the Episcopal Chancery. If offspring is born, the parents of that offspring, and the faith imparted to him in baptism, must be noted in the same book; therefore, it is commanded that the contracting parties, when actually entering into marriage, inform the Bishop within thirty days counted from the birth, and if they do otherwise, they should know that the Bishop will reveal the clandestine marriage. If marriage is celebrated without the preceding announcements, nor without obtaining permission regarding this matter from the Bishop, and if a parish priest is present, he is to be punished with suspension for three years, according to chapter *Cum inhibitio §. final.*, from which suspension he cannot be absolved during that entire three years, as Sanchez affirms. In *Tract. de Syn.*, book 12, chapter 6, number 2. On days on which marriages are prohibited, they are not, indeed, absolutely forbidden, but rather the solemnity and pomp of the wedding are prohibited, as the Theologians state, according to *Capellanus de Feriis*, and it is noted in *Instit. Eccles.* 70, number 5. The blessings expressed in the *Missale romano* are, indeed, considered to be the solemnity of the wedding, and especially those. However, these are forbidden under a grave sin, as Sanchez and others note. *Instit. Eccles.* 80, number 7. Therefore, when the Bishop permits marriages to be celebrated on weekdays, it is never permissible to confer those blessings. Ibid., number 2. Indeed, the entire Mass for the bridegroom and bride must be omitted, since those blessings are part of it. Then, a Mass of the season should be celebrated. Ibid., number 41. Therefore, the permission of the Bishop is required to celebrate marriages on weekdays (although those are, in themselves, permissible), because in Synods, or by custom introduced, those [marriages] are forbidden; therefore, the permission of the Bishop is required. Ibid., number 4. Once, however, a marriage has been begun on weekdays, it is...

[*Latin ed. p. 389*]

Marriages can be celebrated in places other than the parish church, as is established by the opinion of Doctors of Theology. Ibid., nos. 17 and 18. Therefore, the translation of the bride to the home of the husband is permitted, as is affirmed by the Congregation. Ibid., no. 24. Marriages con-

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tracted through a procurator are valid, according to the common opinion of theologians, even those writing after Trent. However, it is advisable that those marriages, which are thus contracted, be renewed in the presence of both spouses before the parish priest; but this is said for caution, and not as a necessity. De Synod. dioc. lib. 43, cap. 25, no. 9. Before marriages are permitted by the Bishop, he must inquire into the quality, status, and condition of the parties seeking the marriage, whether they are of the same or foreign jurisdiction, whether they are of the same family, and whether the marriage is of such a nature that the father can justly object to it. Once he has ascertained that all is in order, he must appoint a parish priest from either of the contracting parties to assist at the marriage; and, unless for a serious reason, this duty should not be requested of a priest other than the parish priest. This priest or parish priest must present to the Bishop a document of the marriage, with a note of the place and time and of the witnesses who were present. This document must then be transcribed into a separate book from that in which the other public marriages are recorded, and the same book must be kept closed and sealed in the episcopal chancery, and not opened except when similar marriages are to be recorded. The Pope commands that the children born from such a marriage must be reported to the Bishop, either by letters signed by the parents themselves, or by a trustworthy person designated by the parents, and that such a declaration must be written in a separate book from that in which the secret marriages are described, with the names of both parents noted. This book must be kept with the same diligence as the book of secret marriages. But in the celebration of this type of marriage, the one who holds the office of parish priest must warn the spouses that they must report the child born from that marriage to the Bishop, in the manner described above; otherwise, if they fail to do so, he will, with a disregard for the secret, reveal the secret marriage, so that no harm may be done to the children born. Thus, in the *Satis Nuntius* bull, when a dispensation from the Pope had been requested regarding consanguinity in the third and fourth degrees, and a marriage had been contracted but not yet consummated, it was found that there was no...

[*Latin ed. p. 390*]

One, but a double impediment also exists from the third to the fourth; therefore, a petition was presented for a dispensation in the same second impediment, and the man, whose name was mentioned in the petition, stated that his wife was unaware of this new impediment, because if she knew it, she would have sought a declaration of nullity of the marriage, and if this were dissolved, great scandals would arise; the Pontiff granted a new Brief, in which he dispensed from the impediment in the root of the marriage. In the new petition, the wife demonstrated that she had been aware of this second impediment before the granting of this second dispensation,

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and that while she was trying to oppose the ratification of this marriage, she had obtained, unknowingly to her husband, a dispensation. The Holy Congregation decided in favor of the invalidity of the same marriage; this decision was confirmed by the Blessed XIV in his Bull *Etsi Matrimonialis*.

MATUTINUM. The Matins should not be separated from the Lauds without a just cause, which is the best thing for the Church, except for the separation of the Matins from the Lauds on the night of the Nativity of the Lord. *Inst. Eccles. 24, n. 9.* Even venially, it is sinful for one to not observe the hour without any legitimate cause, as stated by St. Thomas. *Ibid., n. 9.* The hour for reciting Matins begins after exactly three-quarters of the day has passed, as noted in the Roman Calendar. *Ibid., n. 10.*

MEDICUS. Physicians are bound by a grave warning to urge the sick person, when called to treat him, to call a confessor, so that he may provide for the salvation of his soul, as prescribed by the Lateran Council in chapter *Cum infirmitas* of the Decree on Penance and Remission. St. Pius V, in his Constitution 3, in the Roman Bullarium, commands the physician, and indeed everyone, to warn him; and not to visit him further after the third day if he refuses to call a confessor; those physicians who transgress incur the penalty of infamy, and the loss of all the privileges of their profession. Furthermore, he commands that no one should henceforth obtain a medical degree unless he first swears before a public notary and witnesses to observe the provisions of this Bull. And physicians are not excused from observing these provisions by custom.

[*Latin ed. p. 391*]

For a long time, this custom was not able to be introduced because of the oath of each individual. However, it is sufficient if the physician warns about this through another serious man. *Instit. Eccl. 22, n. 16.* Nevertheless, the sick are not bound by a serious warning in any disease, but only when they are afflicted by some disease in such a way that, considering all things, it can be judged to be a danger of mortal peril. *Ibid., n. 18.* However, it is more prudent to warn the sick, even if that danger is not feared. *Ibid., n. 22.* If, however, the sick person refuses confession, and the disease is so dangerous that it is to be feared that he will die if abandoned by the physician, then the theologians teach that it is not permissible for the physician to abandon him, lest the sick person lose hope of recovering his health, and therefore of repenting. *Ibid., n. 47.* Laymen practicing the medical or surgical art, according to the prescription of their art, do not incur irregularity, even if a sick person dies; however, for caution's sake, they should seek and obtain a dispensation, if they intend to be promoted to the sacred orders; however, such dispensations are not granted unless first heard by the Bishop, to whom it is prescribed to report all cases worthy of attention, and their particular circumstances, and also to explain for what reason the petitioner seeks to be promoted to the sacred orders. *De

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Syn. dicæ, l. 13, c. 10, n. 4.* Those who already hold the sacred orders, or even minor orders with an ecclesiastical benefice, are necessarily required, according to the prescriptions of the sacred canons, to request an indult, if they wish to practice the art of medicine. This indult is not granted unless the reason is explained, namely that the place in which the petitioner lives, and wishes to practice, is either almost destitute, or that there is not sufficient provision for him from a lay physician, or finally that his family is so poor that it is necessary to provide for them from an honest profit obtained from the medical art. *Ibid., n. 6.* Regulars acting in missions are granted a privilege, especially by the bull of Clement XII, so that they may practice the medical art. However, they cannot enjoy this privilege unless they are skilled in that art, and prescribe remedies gratuitously, and finally abstain from incision and cauterization. Finally, it is required that there are no lay physicians present; or, if there are, that they are heretics or Jews, as decreed by the Congregation for the Propagation of the Faith. *Ibid., n. 7.*

[*Latin ed. p. 392*]

Regular clergy, by reason of the nature of their institutes concerning hospitals, cannot practice the medical art outside of those hospitals. Ibid. In the aforementioned apostolic indulgences granted to monks or clerics, this limitation is always added, without exception, regarding cauterization and surgical incision. Ibid., n. 8. To secular clerics who have been granted an indulgence to provide for their families, this indulgence remains in effect as long as they obtain certain ecclesiastical revenues or a residential benefice. Furthermore, a limitation is added, that they may demand nothing from the sick, for it is not forbidden to a secular cleric who is a physician to receive what is offered spontaneously, except from those who are truly needy, from whom he cannot possibly receive anything. Ibid. However, to regular clergy who are granted indulgences, a condition is always added that they receive nothing at all from the sick. Ibid. Moreover, these indulgences are usually not granted to clerics or regular clergy unless, first, the testimony of the Bishop is heard, attesting to the man's expertise in that art, and to the need for a physician in that city or town. Furthermore, in the case of regular clergy, a testimony from their superior regarding the character of the one requesting the indulgence is also required. If the testimony of the Bishop is not provided, nevertheless, the execution of the pontifical brief is entrusted to the Bishop, who is obligated to fulfill the assigned task and to inform himself of all these matters. Ibid., n. 9. The practice of surgery is granted to secular and regular clergy with much greater difficulty, and only when there is absolutely no lay surgeon available; and even then, without cauterization and surgical incision. Ibid., n. 11.

MEDITATION. SEE PRAYER. MASS. The sacrifice of the Mass is a priestly and eucharistic sacrifice, that is to say, an act of praise and thanksgiving for benefits received; it is also propitiatory, by which sins

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are expiated, but not in the same way as baptism and penance, which remit sins through the infusion of grace; but God, in view of this sacrifice, bestows the grace of penance, or a particular grace, by which...

[*Latin ed. p. 393*]

Who may be stirred to contrition, or to obtain absolution in the sacrament of penance with beneficial effect? As for the remission of the penalty, having already abolished the guilt, it immediately remits it; it remits, I say, to him for whom it is offered, but in that measure which pleases God. *De sacrificio missæ*, book 2, chapter 13, paragraph 17. Finally, it is the dispenser of spiritual and temporal goods. *Ibid.*, paragraph 19. Is the efficacy the same, whether the Mass is celebrated by a good priest or a bad one? The answer is that the fruit resulting from the work performed is never diminished, and it always works, provided that no impediment exists. *Ibid.*, paragraph 20. Another fruit arises from the entire Church, through the ministry of its priests. The Church, indeed, is always holy, beautiful, without any wrinkle or blemish. A third fruit, finally, comes from the celebrant himself, and it is said to be, just as the work of the one performing it is, diminished or increased by the greater or lesser sanctity of the priest. *Ibid.*, book 3, chapter 8, paragraph 1. The matter of the sacrifice of the Mass is wheat bread and wine from grapes. If, however, there were a great mixture of flour from other grains, and the mixture of water exceeded the wine, this matter would be unsuitable for consecration. *De sacrificio missæ*, book 3, chapter 10, paragraph 15. Nor, after consecration, should any new liquid, and especially water, be poured into the chalice. *Ibid.*, paragraph 16. Otherwise, St. Thomas believes that corruption may have followed the sacrament to some extent, unless perhaps the quantity of the new liquid was so small that it could not spread to all parts. However, this opinion is not equally approved by all scholars. For the essence of the sacrifice, the consecration of both species is necessary, which was also preserved by Christ the Lord in its very first institution; from which it follows that no one should ever be permitted to consecrate under only one species; although if this were done by a priest, the consecration would indeed be valid, but he would incur a grave sin, and the sacrament would be...

[*Latin ed. p. 394*]

dem, and not truly a sacrifice; for then the mystical immolation of the victim would cease. Ibid. n. 49. The priest, when uttering the words of consecration over the bread and wine, but outside of the Mass, does indeed consecrate validly, but illicitly, for the entire power of consecration consists in the words of Christ. De sacrif. miss. l. 3. cap. 11. n. 11. Defects can occur in the form of consecration, which render it invalid, and defects which render it only illicit. You call it illicit if the word ”hoc” is omitted, and the word

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"ille" is used. It is invalid if "ille" is substituted for "hoc," or if "hic" is taken as an adverb. It is doubtful whether the consecration of the chalice is valid with only these words spoken: "This is the chalice of My blood," with the rest omitted; therefore, if this should happen, the words of consecration of the wine must be repeated, under the condition of the words of consecration. Ibid. cap. 15. n. 15. The priest consecrates validly, even if he is infected with a mortal sin, excommunicated, a heretic, or degraded. However, in order to celebrate licitly, he must be in the state of grace and free from mortal sin. Ibid. c. 11. n. 1. Otherwise, he makes himself guilty of a double fault, namely, by receiving or administering the Sacrament unworthily, and by being unfaithful to himself. Ibid. n. 2. The Council of Trent, session 15, c. 7, on the Eucharist, forbids a priest who is guilty of a mortal sin, however contrite, from celebrating, unless he has first been absolved by sacramental confession. Ibid. n. 3. However, the Council permits priests to celebrate after only an act of contrition, provided that a grave necessity arises, and there is no opportunity for a confessor; at the same time, it commands that, in such a case, he who celebrates should confess as soon as possible. Ibid. num. 4. And thus it explains the precept given by the Apostle: "Let him prove himself." In a case of urgent necessity, contrition alone is not sufficient, but true contrition is required, or at least contrition which the priest, without fault, considers to be contrition. But that precept, "as soon as he has confessed," is a true precept, and not a suggestion; nor is it to be understood in such a way that the priest is not obligated to confess his crime, unless he is to celebrate again. All of these things are explained more fully, drawn from various condemned propositions. Ibid. num. 5. An urgent necessity, of which we speak here, is considered to be such if the priest...

[*Latin ed. p. 395*]

On that day, to celebrate Mass would be an offense and a scandal. Furthermore, if a priest is to administer the Holy Viaticum, he must celebrate. Some add that it suffices for the celebration in such circumstances if a soul has recently departed and is likely in need of the sacrifice; however, this is less approved by others, and rightly so, since all souls in Purgatory are in need of the sacrifice. Ibid. n. 6. But what if a priest, having begun Mass, remembers a mortal sin that he has not confessed, or if he believes himself to be subject to some censure, or if he has not observed a fast? Indeed, if he remembers the sin, or the fast not observed, before the consecration, he is obliged to abandon the Mass, unless a grave fear of scandal dictates otherwise. If, however, he remembers after the consecration, he should complete the Mass and receive the Sacrament, provided he has prior contrition; if a grave sin has not yet been erased by penance, he must afterwards fulfill the precept of confession and absolution. If, however, he cannot confess, it is better to allow the scandal than to celebrate the Sacrament and receive it

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unworthily. Whether it would cause scandal if he were to leave the altar, in the case of a priest celebrating privately with only one minister, and who, having begun Mass, remembers a grave sin, is a twofold question; for some believe that it would be the least possible scandal if only a boy, or the celebrant's servant, or a friend, were present. Ibid. n. 9. If, on a given day, a priest has committed a grave sin at a time when he was to celebrate Mass, but he is sorry for it and has confessed it, it is not fitting for the priest to celebrate Mass on the same day, because although the guilt of the sin is removed, the continued uncleanness of the body is not taken away. Ibid. n. 11. The same applies to one who has felt the pollution of his own body, but has not given his consent. Although there is no fault in him, it is nevertheless improper to approach the sacrifice; especially if stubborn, wicked thoughts are present in his mind. Ibid. n. 12. What is to be done if a defect is discovered, either in the bread or in the wine of consecration? The rubric should be followed, which commands that if it should happen that, after the reception of the blood, it is first noticed that the host is unsuitable for the Sacrifice, a new bread and wine with water should be prepared, and the words of consecration repeated over both, beginning with the words: "Who yesterday..."

[*Latin ed. p. 396*]

Concerning both oblations. There are indeed those who might think that the consecration of the host alone is sufficient; but then the proper order would not be observed; which is the second reason, from which the rubric of both consecrations is commanded. Therefore, the rubrics must be obeyed. Ibid., chapter 15, paragraph 2. But if, after the consecration and having already taken the host, it is discovered that the wine was unsuitable for consecration: should a new host and new wine then be added, and a new consecration of both be performed? This, indeed, is the opinion of Saint Thomas, and his disciples. But after the reforms under Clement VIII, the rubrics of the Missal are read as follows: if the Mass is celebrated in a public place before no one, in order to avoid scandal, it is sufficient to add new wine with water, and to consecrate it immediately and take it. Ibid., paragraph 5, 4, etc. If a defect occurs in the bread or wine, and it is discovered before the consecration, suitable material must be added; if after the consecration, the Mass may safely be omitted; if after the consumption, it must necessarily be omitted, unless perhaps a large crowd were present to hear the Mass, in which case the priest may recite some prayers in a low voice, which do not pertain to that part of the Mass, and give a blessing to the people. Ibid., chapter 15, paragraph 9. If water is not mixed in the chalice, and this is recognized before the consecration, water must be added immediately; if after the consecration, the Mass must be celebrated. Ibid., paragraph 10. If a fly or spider falls into the chalice before the consecration, the wine must be poured out, and new wine

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added. If, after the consecration, whatever it is must be removed, washed, and burned, and the residue with the ashes placed in the sacrarium. Thus, Saint Thomas. Ibid., paragraph 11. If poison is discovered to be mixed in before the consecration, the same must be observed as before; if after the consecration, it must be transferred to another vessel, and kept there until the appearance of the wine has dried up, and new wine consecrated; as stated by Saint Thomas. Ibid. Fermented wine should not be used in the Mass; if it is used, the sacrament is invalidated; nor do the religious who are obliged to celebrate sin, nor do they have the authority to change the wine, for this binds their superiors in sin, as noted in Quarten and Merato. Institutiones Eccles., 77, paragraph 2. Wine which is made from water, with the addition of lees, as was used by the ancient Latins,

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"Lora," or "lorea," is unsuitable for the sacrifice, as affirmed by the Theologians (lib. n. 4). It is forbidden, under a grave sin, to use that diluted wine, which is made from must and water in equal, or nearly equal, quantities, as stated by the Theologians (Inst. Eccl. 77, n. 6). However, it is permissible to use wine for that purpose, which, due to the method of its production in certain regions, has some water mixed in, for it is the usual wine (lib. n. 7). If drops of wine are found externally on the chalice, they are considered unconsecrated and should be wiped away with a purificator. If they are found internally, it is safer to consider them consecrated, and they should be consumed during the second purification (De Sacr. miss. 1, 3, c. 17, n. 7). Generally, St. Thomas advises that, in cases of doubt, whether something has been omitted in the Mass, or if it is certain that something has been omitted, and it is not something that must be neglected for the sake of the sacrament, if it is truly necessary for the sacrament, it should be repeated, and the rest of the things should be carried out in order (lib. cap. 15, n. 16). When new priests celebrate Mass with a Bishop, they should not conform their intention so that they understand that they are consecrating at the very moment that the Bishop pronounces the words of consecration, whether they complete the formula before or after the Bishop. For then the effect of the formula would remain suspended; but they should be so disposed in their minds that they put forth all effort to pronounce the final words with the Bishop, and thus consecrate together, so that if they do not join their words with the Bishop, they do not consecrate, because they do not have the intention of consecrating (lib. c. 16, n. 6). Priests celebrating Mass with a Bishop are least able to receive alms for that sacrifice, because the one offering alms requests the Mass in the usual way (De Sacr. miss. 1, 3, c. 16, n. 10). The intention of offering the Mass is sufficient if it is habitual: for it is like a certain donation, which is valid even if it intervened much earlier (lib. n. 8). The time of offering the Mass, whether it is sufficient after consecration, is ambiguous. It is best that the priest offer the Mass when he

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prepares himself for it (lib. n. 9). The beneficiary, to whom it is enjoined by the testator to celebrate Mass on certain days, should, without a specified application for himself or for others, offer those Masses for the founder.

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Concerning the benefit; as the Sacred Congregation of Councils has often responded. *De sacrificio missæ*, book 3, chapter 9, paragraph 2. The same should be said if the founder has commanded that prayers be offered for him in the Mass, for it is presumed that he has designated the application of the prayer by his name; unless, however, it can be deduced from other circumstances that the intention of the same founder was different; as, for example, if, having founded several chapels, he commanded that in some the application be made, and in others the prayer offered, as can be seen from the resolutions of the Sacred Congregation, book number 3. If a Superior commands a priest to apply the Mass to a certain person, but he offers it for another, the priest is indeed guilty of disobedience, but the application depends on the will of the priest, since he is a minister and a dispenser of his own sacrifice. Book number 4. The application of the Mass with regard to parish priests. See *Parochus*. The conventual Mass must be celebrated daily in collegiate churches, and applied for the benefit of the benefactors in general; and it is not sufficient if it is applied for only one benefactor, nor is it sufficient if the beneficiary, or canon, is obligated to apply it elsewhere from another obligation. However, if the endowment of the benefit is small, nevertheless, it must still be supplemented from the distributions; and if both the distributions and the endowment are very small, then recourse must be had to the Congregation of Councils. Thus, the Pope in the Encyclical addressed to the Bishops of Italy, beginning with *Cum semper*. However, the application of the previous Mass is sufficient, even if several are sung in the collegiate church. Book number 22. If, after the purification has been performed, the priest notices that fragments remain in the corporal, or paten, whether they are large or small, these must be consumed, just as the fragments that remain after the distribution of the Eucharist to the faithful during the Mass must be consumed. *De sacrificio missæ*, book 3, chapter 17, paragraph 3. However, if what remains is not a fragment, but the entire Host, whether large or small, this, after the purification has been performed, is not to be consumed, but rather is to be either reserved in the tabernacle or placed in the paten, so that it may be reserved for another priest to celebrate; and if this cannot be done, it is to be consumed. Thus, according to the Rubrics. Book number 4. That part of the Host which is separated in the lower part of the Host when it is broken into two parts, if it does not mix with the wine in the mouth, but remains in the chalice, it is better, rather than being reduced to the mouth of the chalice with a finger, that it be adhered to with new wine. *De sacrificio missæ*, book 3, chapter

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17, paragraph 1.

[*Latin ed. p. 399*]

To the priest, having returned to the sacristy after Mass, and not yet having removed his sacred vestments, any fragments that he notices remaining on the paten should be consumed. However, if he has removed his sacred vestments, whatever remains of the sacrifice must be placed in the tabernacle, if it is present; but if it is not, or if it is not permissible to do so without causing wonder among the people, it must be consumed. Thus, according to St. Thomas, *Summa Theologica*, 3rd part, question 90, article 3. The priest would sin gravely if he were to place the Host consecrated during Mass into the tabernacle, and in its place take a Host that was previously contained in the same tabernacle. Thus, according to the *Canon Relatum*, distinction 11, question 8. The priest celebrating Mass, if he has a Host of small size, would do better to instruct the people, so that they would not be surprised if he uses it as a larger Host, which is presently lacking; rather than resorting to the opinion of some, who believe that it is permissible to take a larger Host from the tabernacle at that time, which may perhaps be present there, and to use it for the elevation. Ibid., question 9. If the pyx is morally present to the priest, being full of small Hosts, but has not been opened before the offering and consecration, it would indeed be illicit to do so, but since it is morally present to the priest, the consecration would be valid; this is true, even if, when he consecrates, he is not actually thinking of the particles. Moral presence is said to occur when it is present in such a way that the words of the formula "hoc est corpus meum" or "hic est corpus meum" are considered to be verified. Ibid., chapter 18, paragraphs 2 and 5. If particles are brought to the altar after the offering has been completed, the priest should not consecrate them without a legitimate reason, such as if a large multitude of people, prepared to receive the Eucharist, would otherwise be deprived of the sacrament; in such a case, the priest should first offer them mentally before consecration. Having already begun the Canon, if a particle is brought forward, it should not be consecrated, nor should it be used for giving Viaticum to the sick, because in that case it would be sufficient if the priest were to separate a small portion from his own Host. Ibid., question 3. If it should happen that the pyx is brought to the altar, and the priest does not notice it, and therefore the person bringing it forward does not think of the pyx when uttering the words of consecration, then, certainly, if the pyx is not above the sacred stone, the priest is not considered to have intended to consecrate; otherwise, he would be considered to have intended to do something that is illicit for him. Although there are Doctors who hold the contrary opinion, nevertheless, since we are bound to follow the safer opinion in matters concerning the sacraments, leaving aside the probable one, therefore, in that case, those

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particles...

[*Latin ed. p. 400*]

It is clear that the hosts are not to be distributed to the people, but rather reserved, so that in another Mass they may be consecrated under a certain condition. (Book, no. 6.) If eleven hosts are present to the celebrant, and he has the intention of consecrating only ten, and does not specify which ones, then none of them will be consecrated, as we learn from the rubrics. Therefore, the priest must direct his intention so that he wishes to consecrate everything that is placed before him. From this it is understood that a priest, who with this intention has two hosts in his hands, believing that he is holding only one, will truly consecrate both. (Book, no. 7.) To celebrate Mass twice in the same day, even if there is a cause of necessity, no one can, even if he is a parish priest, unless at least the permission of the Bishop is added; but this is granted for special reasons, not as a privilege. Thus, the Pope states in the bull *Declarasti*. A priest, who is obligated to perform the sacred rite daily by himself, can sometimes omit it, either because it is presumed to be the will of the founder, or in order to gain greater piety for himself, as is explained in chapter *Significatum, de præbendis*; however, he cannot perform the sacred rite on a day when he is free, and attribute it to someone else, having received alms. (On the Sacrifice of the Mass, Book 3, chapter 22, no. 5.) Nor can he receive a double stipend for the same Mass, applying one to a general purpose, and the other to a specific purpose; and the Congregation of Holy See condemned the opposite opinion, and then Alexander VII. (Propositions IX, among the condemned). (Ibid., no. 5.) A priest who holds a benefice, in whose foundation it is expressly stated that he is not required to offer the sacrifice, can he demand a new stipend for its application? It is not forbidden; but neither is the opposite opinion condemned, and the decrees of the Holy Congregation do not appear to the contrary. (Ibid., chapter 22, no. 7.) However, if nothing is expressly stated in the foundation of the same benefice, which would allow the founder to relinquish the application of the sacrifice to the priest's discretion, then one must always adhere to the obligation of applying the sacrifice for the founder, as is evident from the decrees of the Holy Congregation. (Ibid.) Masses celebrated on a privileged altar must always be for the repose of the soul, unless another double feast or Sunday occurs; in that case, an indulgence is acquired, even if...

[*Latin ed. p. 401*]

Masses should be celebrated on feast days. It is the same whether that altar has a perpetual privilege, or one for seven years, or only on certain days of the week. Therefore, if a testator orders that masses be celebrated for him on certain days of the week at a privileged altar, and one of those days falls on a double feast, it suffices for the testator to have a mass celebrated on

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the feast day. The same applies to days on which a double feast does not occur, but masses for the dead are prohibited. All of this is derived from the decrees of various Popes, the most recent of whom is Clement XI, in *De Sacrificio Missae*, Book 1, chapter 5, paragraph 25, number 8. Masses at a privileged altar should be for the repose of the soul, unless they fall on a day on which those masses cannot be celebrated, either because of a double feast or for some other reason. This is also the teaching of many papal decrees, as found in *Institutiones Ecclesiasticae*, 34, number 27. Private masses for the repose of the soul are not to be celebrated on double feasts, nor on Sundays, nor within the octaves of Epiphany, Easter, and Pentecost, nor on the first day of Lent, nor throughout Holy Week, nor on the vigils of the Nativity of the Lord, Epiphany, and Pentecost; finally, according to the decrees of the Sacred Congregation, nor within the octave of Corpus Christi, nor on the Nativity of the Lord, nor when the Blessed Sacrament is exposed, as is stated in the venerable *Rituale*, Ibid., 28. Solemn and chanted masses for the dead, which are prescribed by the testator for a particular day, can be celebrated even if the office is of the first or second class, according to the decree of the Sacred Congregation in *De Sacrificio Missae*, Book 1, chapter 5, paragraph 25, number 5. However, they cannot be celebrated on Sundays or on feasts of precept, nor on those days on which a double feast is not celebrated. See *Institutiones Ecclesiasticae*, 3, number 24 and following. When the Body of Christ is exposed, a mass for the dead may be celebrated, except on double feasts of the first class. These words are from the decree of the Sacred Congregation of Rites, dated July 3, 1698. However, it is not entirely certain whether this prohibition applies to all double feasts of the first class, or only to the more solemn ones. See *De Sacrificio Missae*, Book 1, chapter 23, paragraph 3. The third, seventh, and thirtieth days, which have a mass with a proper prayer in the Missal, have no special privilege over other private days. Ibid. If a parish priest is responsible for two parishes, and the people of one parish cannot come to the church of the other, and there is no other priest available, he may celebrate two masses on the same day. See *De Sacrificio Missae*, Book 1, chapter 3.

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c. 3, n. 1. Nevertheless, the Bishop ought at least to ascertain whether there truly exists such a necessity that the Office must be celebrated twice. This is truly the only case in which it is permissible to celebrate twice; for it is not lawful to repeat the Sacrifice, either on account of the arrival of guests, even noble ones, or of princes, or of a Bishop who has not heard Mass on a feast day, nor when no other priest is present; for this is not such a necessity as is required in chapter [Consultisti, de celebrat. missarum]. Similarly, for the same reason, it is not permitted to celebrate for the blessing of marriages, which cannot be postponed to another day. For

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then the marriage can be celebrated without Mass, and the blessings can be transferred to the following day. Ibid., book 3, chapter 5, n. 3. But what if the Viaticum must be administered to a sick person? Certainly, if the priest has already celebrated Mass, then, since he is not fasting, it is not permitted for him to celebrate again. If he has not celebrated Mass, he can provide for that necessity by giving a portion of the Host. If, truly, the priest is reminded of the need to administer the Eucharist, but not the ablutions, to a sick person, then he can certainly celebrate another Mass. Ibid. When a certain church has received so many offerings for Masses to be celebrated therein that it is not possible to fulfill them within the week, the Sacred Congregation has ordered that those that remain be celebrated at other altars of the same church, and has also ordered that, henceforth, the faithful who offer such offerings be informed of this matter, by means of a written notice displayed in a visible place in the church. De Synod. dicec., book 12, chapter 7, n. 5. Although the Sacred Congregation has often decided that in public oratories located within the boundaries of a parish, the parish priest cannot prohibit Masses from being celebrated before the parish Mass; nevertheless, if the Bishop prohibits this in a Synod, so that the people are not drawn away from the parish Mass and the assembly, then that regulation is valid, and obedience must be given to the Bishop. De Syn. dicec., book 12, chapter 7, n. 7. Mass must be celebrated from dawn until noon; however, the anticipation of the third hour of the day is tolerated, as is the postponement of the third hour of the day after noon, as stated in the decree of Benedict XIII, Inst. Eccl., 12, n. 4. The Bishop has the right to forbid, even under canonical penalties, that religious [orders] celebrate beyond the customary hours, as is affirmed by the decrees of the Sacred Congregation, Inst. Eccl., 68, n. 12. No one, whether unknown, secular, or religious, is to be admitted.

[*Latin ed. p. 403*]

It is necessary to celebrate Mass, unless there are compelling reasons to the contrary, and these reasons must be seen and approved by the Bishop; and this can be ordered by the same Bishop, at least with regard to external regular priests, even those considered regular. Thus, the Holy Congregation of Religious Institutes, in its Decrees 34, paragraph 4, and *De Synodis Dioecesibus*, book 9, chapter 15, paragraph 5, and the Council of Trent, Session 25, chapter 4, exhort Bishops to ensure that priests who do not have the care of souls celebrate Mass at least on Sundays or on more solemn feasts. The question of whether those priests commit a grave sin if they do not comply with the Tridentine decree is a complex one. Certainly, he would sin gravely who never offers the sacrifice throughout the year; for this would be an indication of a corrupt life, and would cause scandal. See *De Missa Sacra*, book 1, chapter 3, paragraph 10. He is also bound to celebrate, so that the sick may receive Viaticum, if it cannot be done in

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any other way. Ibid. It is better to celebrate Mass daily than to abstain from it; however, it must not be denied that a priest does best if he sometimes abstains out of reverence, or in order to celebrate more fervently. This is derived from the fact that he who receives the Sacrament daily is closer to the spirit of the Church. It should also be added that the office of a priest is not private, but public, and his work is useful to the Church; and from the constant celebration, he will obtain more help from God, so that he may celebrate more worthily. Therefore, it should be established that a priest should, as much as possible, celebrate Mass daily, if, after careful consideration, he can morally assure himself that he is in a state of grace. Nor does a lesser fervor hinder this; for we often experience it unwillingly. See *De Sacrificio Missae*, book 1, chapter 5, paragraph 2. In private chapels, in which only one Mass is permitted for the sick, it is permissible for the same priest to celebrate three Masses on the Nativity of the Lord, as stated in the decrees of the Holy Congregation *De Sacrificiis Missae*, book 3, chapter 4, paragraph 8. Although Bishops no longer have the power to grant permission for the celebration of Mass in private chapels, they can still have a private chapel in their own homes and allow other priests to celebrate Mass there; as stated in the decrees of the Sacred Congregation *De Sacrificiis Missae*, book 1, chapter 5, paragraph 6, paragraph 1. This celebration can also be performed properly there, even in the absence of the Bishop; and those who hear Mass there fulfill the ecclesiastical precept. Finally, what is said here about Bishops also applies to Cardinals who are not Bishops.

[*Latin ed. p. 404*]

These apply to oratories in the Bishop's house, where a fixed and designated place is assigned. Ibid. 1. 5. cap. 6. n. 6. If the Mass must be celebrated entirely, and it cannot be done in churches, or even in private oratories, it is permissible to celebrate it in a place that is not indecent, whatever that place may be, as is exemplified by the chaplains in *Castro de Ordiales*; also, by those who travel through regions inhabited by non-believers, and even on the seashore with respect to those who are sailing. De sacr. miss. 1. 3. c. 6. n. 7. To celebrate Mass at sea, a special privilege is required, and the general clause granting permission to celebrate in a decent and safe place is not sufficient. It is not permitted, except with the condition that the ship is safe, far from the shore, the sea is calm, and finally, that another person, whether a priest or a deacon, is present with the celebrant. Ibid. A priest celebrating Mass, even in the necessity of giving the Viaticum to a sick person, commits a grave sin out of irreverence, if he does so without one of the sacred vestments; for the precept of the Viaticum does not apply if it cannot be administered in the manner that is fitting. Ib. lib. 5. cap. 7. n. 1. The same applies if he celebrates without the lights that are necessary, whether made of wax or oil, and if these are lacking, at least of tallow;

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however, it is sufficient if necessity compels, to use a single light. The same applies if he celebrates without the Missal, in which at least the Canon is contained. These things are derived from the Decretals. Ibid. n. 2. A priest also sins if he celebrates without a minister, as is stated in cap. Proposuit, de filiis presbyterorum. However, if the Viaticum must be administered, the priest can celebrate Mass without a minister, and respond to himself. Otherwise, it is better to omit the Mass, although some would say that he does not sin if he does so. Ibid. num. 3. A priest who celebrates in a defiled church, although he sins gravely, as is stated in cap. Is qui, de sent. excomm. in 6, nevertheless incurs no penalty, since none is expressly stated in law; indeed, there are those who believe that he sins very little if the consent of the Bishop is present. On the other hand, he incurs an irregularity reserved to the Supreme Pontiff, who celebrates in a prohibited place, as is stated in the same chapter. Is qui. Ibid. n. 4. A priest, by reason of a benefice, is bound to celebrate these Masses three times each week; he may anticipate the time, unless...

[*Latin ed. p. 405*]

It is the apparent will of the legislator that the Mass be celebrated twice or three times each week, so that no parish, nor certain altars, may lack the Mass each week. *De Sacr. Miss.*, book 3, chapter 9, paragraph 8. If a benefactor has prescribed a time for the Mass due to a reason which cannot be postponed, the priest, by not observing that time, does not cease from his obligation, and is bound to restore the offering. *Ibid.*, paragraph 6. A priest who has the obligation of daily Mass is only obliged to offer one Mass on the feast of the Nativity of the Lord. However, it has not been definitively decided by the Holy Congregation whether the parish priest is also bound to offer three Masses of that day for the people; nevertheless, he is bound, in order to avoid scandal, to celebrate three Masses on that day. *Ibid.*, paragraph 9. Some teach that on the day of commemoration of the Dead, the obligation of daily Mass ceases for the chaplain, and therefore it is permissible for the chaplain on that day, either for all the deceased, which would be the best, or for a particular deceased person, to offer the Mass. *Ibid.*, number 9. It has not been definitively decided by the Holy Congregation whether the canons in cathedrals and collegiate churches, who are bound by the prescription of the rubric to offer several Masses on certain days, must offer them all for the benefit of the benefactors. *Ibid.*, paragraph 9. The offering for Masses to be celebrated by religious in their churches is to be determined by the Ordinary of the place; as is stated in the decree of the Holy Congregation, *Inst. Eccl.*, 36, paragraph 10. Secular priests, as well as religious, cannot demand an offering for Masses beyond the amount determined by the Bishop; for there must be a certain proportion between what is given and what is received, and it is for the Bishop to define this proportion; therefore, the priest who demands more is guilty

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of a violation of commutative justice. However, the giver may give more than he promised, and the petitioner may receive less than he requested, although it may happen that, at times, the priest may be forbidden to receive less, lest a custom of giving less be introduced to the detriment of others. All of these things are contained in the *Synod. dioec.*, book 3, chapter 9, and what I have said last is confirmed by a decree of the Congregation of the Council, given in the city of Saint Severin on July 16, 1689. The stipends for Masses, if they have been received for the purpose of providing for the celebration of the Masses, cannot be retained, but a part of them must be given to the priest celebrating, even if that part contains...

[*Latin ed. p. 406*]

The customary alms. Otherwise, he who does so, whether a layman who collects offerings in a place where a larger sum is given, and who assigns those same offerings to be celebrated by another priest with a smaller stipend, retaining a portion of those same alms or stipends received, incurs excommunication; the priest or cleric, however, is subject to suspension by this very act; and this excommunication and suspension are reserved to the Roman Pontiff. Constit. *Quanta cura*. See *Inst. Eccl.* 56, no. 4. It is forbidden to accept new alms for Masses from those who have old debts to satisfy, provided that, as is written in the decree of Urban VIII, it is not possible to satisfy everyone within a short time. The Sacred Congregation defined "a short time" to be one month. *De sacrif. miss.*, book 3, chapter 24, no. 14. If a church and pious institutions lack revenues, so that they cannot lawfully expend them on expenses for the celebration of Masses, it is permissible for their administrators to deduct something from the customary alms, as much as is necessary for the celebration of that Mass, as is certain from the decree of Urban VIII. But from several decrees of the Sacred Congregation, it is deduced that something can be deducted from the alms given for perpetual Masses; then it must be considered whether there is anyone who is obligated to provide a substitute, and whether it would be better to seek a reduction in the number of Masses. Whether the church is poor or not, nothing can be demanded from those priests who, led by devotion, come to a certain church to celebrate, as also from those who do not receive any alms from the administrators of the church. However, this deduction is rightfully demanded from those who wish to celebrate there entirely, and neither the church provides for its own needs with regard to furnishings, nor does the one who provides the alms. All of this is found in *De sacrif. miss.*, book 2, chapter 24, no. 43. The alms received for Masses, the regular clergy are bound to place in a chest with two locks, one of which the local superior must hold, and the other one of the regulars designated by the Chapter, and then they are bound to render an account of the satisfaction of those same Masses before prudent Fathers, as is evident from the decree of Urban VIII, confirmed by

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Innocent XII. *Instit. Eccl.* 72, no. 29.

[*Latin ed. p. 407*]

The Mass should neither be so brief that it does not last at least a third of an hour, nor so long that it exceeds half an hour. *De sacr. missae*, Book 1, Chapter 3, paragraph 24, number 2. See *Institutiones Ecclesiasticae*, 54, number 19. During the celebration of Mass, no Bishop should permit anyone to cover their head with a false hairpiece, as decreed by Innocent XI in his Encyclical, cited in *La Croix*, volume 6, page 2, number 401; and it is also taught by theologians that this applies even to a small cap. *Institutiones Ecclesiasticae*, 54, number 14. However, the use of a "gyro," commonly called a "girello," is widespread, even among priests in Rome, as noted there. The same *Institutiones Ecclesiasticae*, number 4. No one, regardless of their rank, can wear a ring on their finger while celebrating Mass, as prohibited by the Holy Congregation of Rites. Ibid., number 15. Furthermore, even protonotaries who are not participating in the Mass are not permitted to use a silver instrument with a candle, as decreed in the document cited in Monaceltum, book, number 17, which the Holy See also forbade to superiors of Mendicant Orders and to parish priests, as indicated in the letters referred to here, number 16. Moreover, according to the decrees of Alexander VII, this is not permitted to Abbots who are regularly ordained, except when they use the Pontifical in a solemn Mass, as stated in the decrees of the Holy See. Ibid. The same procedure should be followed with an assistant, Ibid., number 18, as decreed by the Holy Congregation of Rites. Ibid. Private Masses are prohibited on the Feast of the Lord's Supper and on Holy Saturday, not only by the decrees of the Holy Congregation of Rites, but also by the decree of Clement XI, dated May 15, 1712. *Institutiones Ecclesiasticae*, 58, number 9. A newly ordained priest is forbidden to walk around the church in his sacred vestments to receive offerings during the celebration of his first Mass; however, he may turn towards the altar and receive them there, as decreed by the Holy See. *Institutiones Ecclesiasticae*, 56, number 7. A priest celebrating Mass in another diocese cannot substitute the name of his own Bishop for the name of the Bishop of that diocese, as stated by Pouget and Merato, *De sacr. missae*, book 2, chapter 17, number 4. A priest is not obligated by command to celebrate three Masses on the Nativity of the Lord, but may celebrate only one. *De sacr. missae*, book 5, chapter 4, number 5. A "sung" Mass is distinguished from a solemn Mass in that it is sung with the singing of the choir, but with only one minister assisting; a solemn Mass, on the other hand, has a deacon and a subdeacon assisting; therefore, if...

[*Latin ed. p. 408*]

The testator orders that a Mass be sung for him; it is not required that a deacon and subdeacon be present. *Instit. Eccl.* 103, n. 119. It is a dis-

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tinction that is made between rubrics that are prescriptive and those that are instructive. *De sacr. Missæ*, chapter 11, n. 3, but all are prescriptive, although some, due to the smallness of the matter, only impose a venial obligation. Ibid. It is a light sin to celebrate a private Mass without reciting Matins and Lauds, unless there is an urgent reason. But, if it is a conventual Mass, he could be considered guilty of mortal sin who celebrates it before Matins and Lauds (that is, before that part of the office is celebrated in the choir). Likewise, he would incur a grave sin who perpetually and as if by a settled intention, never celebrates Mass with Matins and Lauds recited. Ibid., n. 4. No one is permitted to depart from the altar once the Mass has begun, leaving another priest to complete it, as is stated in the canon *Nultus Episcopus*, de cons., dist. I. What is forbidden there under the penalty of suspension, which, however, is a suspension to be endured, not a publicly declared one; nor does it apply if the priest has departed from the altar before consecration without a just cause. Ibid., chapter 14, n. 2, where this is defined by the Holy Congregation. If it happens that a priest, while celebrating Mass, is suddenly struck by illness, or dies, or this happens before consecration, then it is not necessary for another to continue the Mass; but if it happens after the consecration of one, or both species, then the Mass must be completed, and indeed by order, by a priest who is taken from the beginning, where another priest has ceased; and if the first priest is still alive, and capable of receiving the sacraments, and no other consecrated host is available, then a part of the consecrated host from the second priest must be given to the sick person, as is stated in the rubrics of the Missal. Ibid., n. 4 and 5. The priest who is to complete the Mass can perform this action, if another is not present, even if he is not fasting, and even if he is not in the state of grace; in that case, a confessor must be sought from him, and if one is not found, an act of contrition must be elicited, and thus he can complete the Mass. But if he cannot be confessed, and the Mass cannot be completed by another before morning, then the host and the chalice must be reserved in the tabernacle, to be used on another day. All of this is from the rubrics and decrees. Ibid., n. 7, and.

[*Latin ed. p. 409*]

8. From this, it is understood that a layperson, if present, cannot receive the host or the chalice. Ibid. n. 6. If, while a priest is celebrating Mass, the temple is suddenly violated or defiled before the beginning of the canon, the Mass must be interrupted; however, if the canon has already begun, it must be completed, as stated in the Rubrics. Ibid. n. 12. If, during the celebration, a sudden attack by enemies occurs, or an imminent flood, or the collapse of the temple, before the consecration, the Mass must be abandoned; after the consecration, the Sacrament must be immediately taken. All other ceremonies are to be omitted. If, however, these events occur, the priest can immediately take the host, which has not yet been consecrated

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with the Precious Blood, and depart, unless it happens that enemies of the Christian religion threaten the priest with death if he does not abandon the imperfect sacrifice. Ibid. n. 15. If an excommunicated person, whose excommunication is not tolerated, is present, the Mass, if the canon has not yet been reached, or, as some hold, if the consecration has not yet taken place, must be abandoned, and the person cannot be dismissed; after the consecration, it must be completed. But, after Communion has been received, the remaining parts must be completed, either in the sacristy or in another suitable place. Ibid. n. 14. The Mass is also interrupted, even by a long interruption, or in order to baptize an infant who is about to die, who would otherwise die without baptism, or to hear the confession of a sick person, who would otherwise not confess, or even to administer Extreme Unction. However, the priest must take care to diligently guard the Sacrament in the meantime, and when he returns, the Mass must be resumed from the place where it was interrupted. Ibid. n. 15. If the Gospel and the Creed have already been recited, and a prince, whether lay or ecclesiastical, arrives who has not heard Mass on a feast day, many Doctors hold that the Mass cannot be resumed entirely. Ibid. n. 16. Benedict XIII, in the Romano Council, as Pope Innocent XIII had previously prescribed to the superiors of religious orders, warned that in determining the *summa* of money to be collected for perpetual Masses, sixty Roman *scuta* should be set as the limit, neither exceeding nor diminishing it. De sacrif. miss. 1. 5. c. 22. n. 9. The Masses of St. Gregory, which were formerly prohibited by the Holy See, were certain special Masses, referred to in their beginnings. Furthermore, thirty continuous Masses, according to the custom of St. Gregory, were to be offered.

[*Latin ed. p. 410*]

The observance of feasts is not forbidden, which nevertheless the priest ought to celebrate according to the rite of the Church, for which reason they are to be observed for three days during the greater week. Ibid., chapter 25, paragraph 5; *Institutiones Ecclesiasticæ*, 54, paragraph 21. The Bishop can indeed visit the parochial churches of regular canons, but whether he can also inquire about the obligations of the Masses, whether they have been fulfilled, required a response from the Holy Congregation, and no response has yet been issued. However, the Bishop can inquire whether the parish priest of the regular canons has celebrated daily for the people on festive days, since this concerns the care of souls, about which the Bishop has the right to inquire during his visitation. *De Synod. diæc.*, book 15, chapter last, paragraph 5. It is permissible for the Bishop to visit the confraternities of lay people established in the churches of the regular canons, and the altar, if it is their duty to maintain it, and the obligations of the Masses, to which those confraternities are bound, as decreed by the Holy Congregation. Ibid., paragraph 6. If a testator has left instructions for

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Masses to be celebrated each year in the churches of the regular canons, and has bequeathed to his heir that he should designate a priest by whom they should be celebrated, the regular canons cannot demand that one of their own be designated, nor must they refuse, but they must show patience, so that the person designated by the heir may celebrate them in their churches, provided that they are given the necessary assistance, as stated in the response of the Holy Congregation. Ibid., paragraph 7. Regarding mandates and warnings, etc., by which the execution of provisions and statutes for the preservation and increase of divine worship, especially concerning the celebration of Mass, are delayed, it has been decreed by the Pope in the bull *Ad militantis* that judicial acts should not be received in court by which their execution is hindered, according to the decrees of the Council of Trent, session 21, chapter 8, and session 22, in the decrees concerning what must be observed and avoided in the celebration of Mass. To administer the Eucharist to the faithful during the action of Mass is not obligatory for priests, if the pastors or Bishops have judged it fitting that this administration be performed at the altar, where the Holy Eucharist is reserved outside of Mass. Encyclical *Ad Episcopos Italiæ, Certiores effecti*. It is permissible for any faithful person, in order to fulfill the precept, to attend Mass on festive days in any church, even if it is not their own parochial church, as custom everywhere prevailing demonstrates, which in turn acquires the character of common law. *De Synod. diæc.*, book 41, chapter 14, paragraph 10.

[*Latin ed. p. 411*]

Secular priests are forbidden from saying Mass in the churches of regular canons, but they must use the Roman Missal; however, they may say Mass for the saint for whom the canons are performing their office, taking it from the Common of the Roman Missal, as decreed by the Holy Congregation, approved by Clement XI. (De Sacrif. Miss. l. 3, cap. 23, n. 1; Inst. Eccl. 54, n. 20). The obligations of Masses prescribed by the founder of a benefice may not be diminished by the Bishop, whenever the remaining revenues have decreased; for the Holy Congregation has always refused to allow the Bishop to reduce Masses. However, the Council of Trent, in Session 23, de ref., chapter 4, granted the power to Bishops to reduce Masses assigned in a will or by a living disposition in a diocesan synod, and in the general chapters of orders; this is understood to apply only to obligations of Masses imposed before the Council of Trent, and to reductions to be made in diocesan synods or chapters held immediately after the Council of Trent, as explained by the Holy Congregation (De Synod. Diæces. lib. 15, cap. ult., n. 18). Moreover, it is not permitted to Bishops, etc., to do this in their synods, etc., because Urban VIII and Innocent XII forbade it in their Constitutions concerning this matter; therefore, it is not permitted to the Bishop to reduce these obligations before they are accepted by those to whom they pertain,

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as defined by the Holy Congregation (Ibid., n. 19). Although Bishops are given the power to reduce pious bequests and obligations of Masses, it is still clear from the context of the entire dispensation that nothing has been granted to them regarding other bequests, but only regarding the obligations of Masses (Ibid., n. 22). If any disposition includes obligations of Masses and other pious works, and some reduction must be made because of the insufficiency of income, the Holy Congregation has ruled that the other works should be reduced first, before the number of Masses (Ibid., n. 25). However, these things are true, unless the intention of the founder was different, which can be discovered from the entire context of the disposition (Ibid.). But if the authority of the Bishops regarding this reduction stems from an extension of the Indult of Rome under Benedict XIII, or from some instruction given by the Holy Congregation, and it is necessary to reduce either the number of Masses or other pious works, then it is best to appeal to the Holy Congregation (Ibid., n. 24). Furthermore, by virtue of the aforementioned concession, it is not permitted to reduce...

[*Latin ed. p. 412*]

Of Masses, the celebration of which the Church, etc., has obligated itself to perform by contract, this is indeed guarded by explicit words in the aforementioned Constitution. Ibid. n. 25. If a testator has left a certain number of annual Masses to be celebrated for his soul, and has attached this or that property for that purpose, and that property is diminished, so that it is not sufficient for the customary alms for the Mass, there is no place for reduction, but the heir must be compelled to make up what is lacking; for it is presumed that the testator always intended this number of Masses for the benefit of his soul. Furthermore, if the words of the disposition begin with the imposition of the burden, and then proceed to assign the property, then, as if that particle were demonstrative, if the property is lacking, it must be supplemented by the heir. But if the disposition begins with the designation of the property, and then proceeds to the burden of the Masses, then it is to be interpreted restrictively, and therefore there is a place for reduction, and the heir is not to be compelled to make up the deficiency. All of these things are usually expressed in the instruction, of which we spoke above. Ibid. n. 52. If a testator commands the heir to give a property to a legatee, so that Masses may be celebrated from its revenues; the heir, after assigning the property, is bound to nothing else, as from the decrees and the decision of the Rota. Ibid. n. 53. But if the testator had commanded the heir to provide so much fruit as is sufficient for the prescribed celebration of Masses, and had given a suitable property, if that fruit then is not sufficient, it must be supplemented by the heir. Ibid. In the reduction of perpetual Masses, which is to be made by the authority of the Roman Council, it is customary to establish an alms of sixty scudi of Roman money: as for chanted Masses, the customary alms is to be assigned

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for those Masses which is in force in each diocese, as decreed by the Holy Congregation. Ibid. n. 54. But if several chanted Masses and several private Masses are to be celebrated simultaneously, and the revenues are not sufficient, then those for the celebration of private Masses are to be provided, after having chosen the burden of the chanted Mass, as decreed by the Holy Congregation. Ibid. But if the reduction is made by the Bishop, by virtue of the authority contained in the Instruction, it must be determined that the Masses be celebrated, not with that alms which is prescribed by the Indult of the Roman Council, but according to the measure of the manual alms prevailing in the diocese; thus it is clear from the very words of the Instruction. Ibid. n. 55. If the Bishop has obtained from the Apostolic See the power to reduce...

[*Latin ed. p. 413*]

If a priest has celebrated Masses in his diocese, he can also appeal to the proper authorities, as the delegate of the Apostolic See, if they refer the matter to him. Ibid. It is forbidden in the Bull *Quemadmodum preces* that new or unusual prayers be recited in the Mass. Those who have not been promoted to the priesthood, if they celebrate Mass, are to be handed over to the judges of the Holy Inquisition for punishment according to the constitutions of Paul IV, *Sirti V*, and Clement VIII. Furthermore, Urban VIII, in the constitution *Apostolatus officium*, imposes the same penalties on those under the age of 25, provided they have completed their twentieth year. These constitutions are renewed by Benedict XIV in the Bull *Sacerdos in æternum*, and he adds that the testimonies of witnesses, namely, when the witnesses are consistent in their testimonies, are valid for the torture of the guilty. However, these testimonies are valid for punishment only if the Ordinary declares, by simple letters, that the person was not promoted by him. In the same Bull, he imposes these same penalties on those who celebrate only a part of the Mass, provided they have completed the elevation. If the guilty party claims these exceptions, as presented by the Pope, whether considered jointly or individually, this is still not sufficient to prevent them from being handed over to the secular arm if they are laymen, and if they are clerics, to prevent proceedings for degradation and handing over to the secular arm. Furthermore, the Pope declares that those who are not priests are subject to the same penalties if they hear sacramental confessions and impart absolution. However, if absolution has not been given, a lesser penalty is to be imposed by the ecclesiastical judge. Ibid. § 8. Benedict XIV grants to priests of the Latin rite residing in ReuÃ, Poland, who celebrate Mass in the churches of the Ruthenian Uniates, that if altars or consecrated stones, and golden or silver chalices are lacking, they may celebrate Mass upon the antimension of those same Ruthenians, but according to the Latin rite. Bull *Imposito nobis*. NUNS. The religious profession of nuns, made before the completion of the sixteenth year of age,

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and the completed year of novitiate, is invalid, according to *Trid. sess. 25, c. 15. De Syn. diœc. 1, 15, c. 12, n. 1*. However, women who are Penitent, or Convert-

[*Latin ed. p. 414*]

Those who are admitted are called novices; and with whom the constitutions of their order regarding the period of probation must be observed, notwithstanding the decree concerning the profession of nuns, as stated in the decree of the Sacred Congregation of Councils, De Syn., book 13, chapter 12, number 1. This conciliar sanction regarding the year of probation also applies to her who, having availed herself of the privilege of entering religion two months after marriage, enters religion, and although this yields to the detriment of him who remains in the world, so that he cannot enter into other marriages unless after his religious spouse has completed the year of probation and made her profession. Ibid., number 2. It can also happen that she must wait two years, if the religious spouse has changed religious orders after having almost completed the year of probation, and has begun a new probation in that order. If a novice of the Order of the Preachers makes her profession at the point of death, before the year of probation has been completed, which was granted to them by the Bull of Pope Pius V, it has not been easily revoked by the subsequent Bull of Gregory XIII, by which profession made before the year of probation is completed is declared invalid; however, that profession is valid for obtaining spiritual graces, but not for claiming from the monastery the dowry and other goods of the professed woman, as has been decided on many occasions by the Sacred Congregation of Councils. Ibid., number 6. A woman betrothed by words concerning the future, with both parties taking an oath to enter into and consummate the marriage, can enter religion before the beginning of the marriage, according to the saying, "A promise is not broken by him who changes it for the better," chapter Pervenit, on oaths. And it ends in chapter Commissum, on betrothals, although it is said there that it is safer if she enters into marriage, and then enters religion; but this is either merely advice, or the betrothal at that time did not imply any other promise than that of celebrating the marriage; but not of celebrating and consummating it, as is now the case. Ibid., number 8. After a marriage has been validly contracted, but not consummated, it is permissible for a woman to enter an approved religious order, and by her profession, the bond of marriage is dissolved. However, these things apply only to true and approved religious orders, in which three essential vows are made, such as the Order of Knights of Jerusalem, but not to other knightly orders, as stated in the Council of Trent, session 24, on marriage, canon 6, and as transmitted by the Doctors. Ibid., number 9. After the marriage has already

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been consummated, if the consent of both spouses is lacking...

[*Latin ed. p. 415*]

If a feeling of unsuitability arises, a woman can certainly enter religion (the same can be said of a man), and profit within it; however, if the other spouse consents to enter religion, if he is younger, or if he is elderly, he may make a vow of simple chastity. If, however, either party revokes the freely given consent, either before the other's profession, or even after a validly emitted profession, if the conditions previously expressed have not been fulfilled, the religious spouse is bound to leave religion at the request of the other, as defined in chapter *De convers. conjug.* Canon. *Quia Agatho*, cause 27, question 2, chapter *Cum sis*, concerning the conversion of spouses. Ibid., n. 10, 11. It is not sufficient, if, while the woman has entered religion, the other spouse receives the sacred orders, according to the constitution of John XXII, *Antiquæ*, title *De voti redemptione*. Ibid., n. 14. If, however, it is legitimately proven that the wife has committed adultery, and then enters religion, then it is entirely proper for the husband to remain in the world, provided that he makes a vow of chastity. Thus, according to a decision by the Holy Congregation. Ibid., n. 16. And even in that case, if it is established by the testimony of a bishop that the husband remaining in the world has led a blameless life, he is granted, by an indulgence, that he is not bound by any vow of chastity, so that after the death of his wife, he may enter into other marriages. Thus, according to resolutions from the Congregation. Ibid., n. 16. It has also been granted, on occasion, an indulgence to a man over sixty years of age, so that he may be initiated into the priesthood, provided that his wife, who is also nearly sixty years old, vows perpetual chastity. Ibid. It has also been granted that a man of seventy years of age, with the consent of his wife, may receive the sacred orders, and that his wife, of the same age, may receive the habit of the Third Order, provided that they live in entirely separate homes. Regarding the dowry paid by women entering monasteries, it is approved that it be given, not for entry into religion, but for the contract that religion makes with her, obligating itself to her support. If, however, the monastery is itself wealthy, and can suffice from its own resources for the support of the nuns, then it is certainly fitting that the dowry be reduced, and even entirely remitted, although this should not be done unless it has first been consulted with the Holy Congregation of the Council. *De Synod. diœc.* 1, 11, chapter 6, n. 6. Regarding meals, dinners, and gifts that are demanded by the nuns from those entering, the Pope believes that the prohibition should be maintained.

[*Latin ed. p. 416*]

By Urban V, Extravagant I, De simonia, among the Decrees of the Councils, District 1, chapter 11, canon 6, number 6. The Pontiff considers it op-

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portune to use the teaching of Navarrus in his treatise on ecclesiastical revenues, at the end of the question, ibid., number 7. Nuns subject to regular observances, from the Council of Trent, session 2, on regulations, chapter 5. The Ordinary of the place, as a delegate, is subject to them regarding enclosure. However, Gregory XV, in his constitution, number 18, decreed that the confessors of these nuns should be appointed by their own superiors, and that these appointments should be approved by the Bishop. Furthermore, an accounting must be given to the Bishop by those who administer the goods of the nuns, but with the superiors of the regular order present; if they refuse, then the Bishop himself must provide this. The Bishop is also granted the authority to preside, together with the regular superior, when the superiors of the monastery are elected. Finally, it is granted to the Bishop that, if the regulars should, by chance, be negligent in regard to enclosure, he may punish them and correct them up to the prescribed penalties. Alexander VII, in his constitution 153, grants to the superiors of the regular order the right to enter the enclosure of these nuns once a year, on the occasion of a visitation. However, more frequently, for urgent reasons, he forbids them from entering, unless in the presence of the Bishop, or another ecclesiastic appointed by him. In the Church Law, 29, number 5. The contrary custom, regarding all of these matters, has also been frequently condemned by the Holy See as being of long standing. Ibid., number 7, etc. In the visitations of monasteries of nuns, the Bishop is not obliged to announce the day and hour of the visitation to them, nor is he obliged to bring with him a superior of the same order. Ibid., number 18; the Bishop may also administer the Holy Eucharist to the nuns subject to regular observances, if they so desire. Ibid., 9. It is forbidden to introduce boys and girls of tender age into the monasteries of nuns, according to the custom observed in Rome. Ibid., number 24. In the election of abbesses, who preside over monasteries subject to regular observances, the regulars are obliged to inform the Bishop, if he wishes to be present, either in person or through another, as stated in the constitution of Gregory XV, number 18, by which the Bishop must make known his will. However, the Bishop may, in a general synod,

[*Latin ed. p. 417*]

They declare that they are interested in all these elections, thereby sufficiently manifesting their will. From the Decrees of the Diocesan Synod, book 9, chapter 12, paragraph 4. The transfer of nuns from one monastery to another is permitted by the highest Penitentiary, provided that the nuns are located beyond the mountains; however, the execution of this permission is left to the judgment of the Ordinary. By the Bull *Pastor bonus*. The transfer of nuns from one monastery to another cannot legally take place without the permission of the Roman Pontiff, unless some urgent circumstance requires an immediate departure; in such a case, even for

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regular nuns, the written permission of the Bishop is required, in addition to the authority of the regular superior. The Bull of St. Pius V, *Decori et honestati*, indicates such urgent circumstances as a great fire, the infirmity of leprosy, or epidemics, or the plague. From the Decrees of the Diocesan Synod, book 9, chapter 15, paragraph 8. It is not permitted to allow such a departure without the authority of the Apostolic See, even if other circumstances may arise that appear to be equivalent to those expressed by St. Pius V in his constitution, such as if there were a nun from whom a prudent fear of scandal and the perversion of others could reasonably be expected. Ibid. The superiors of the nuns are bound to provide extraordinary confessors to the monasteries subject to them, twice or three times each year; however, even when offered, the nuns are not obliged to confess their sins, but only to present themselves, so that they may at least receive salutary advice from them. If, however, any nun is seriously ill, to the point of being in danger of death, and requests another priest, who is not the ordinary confessor of the monastery, permission should be granted to her by the respective superior. If the regular superior has agreed to this, it can be provided by the Bishop. Indeed, if any nun, even outside the aforementioned case, requests for a time a different confessor from the ordinary, it must be granted to her by her superior. If the regular superior refuses, then the Bishop can satisfy this request, even if it requires a confessor of another religious order, or even a secular priest approved by the superior for the confessions of the nuns. Finally, superiors are urged...

[*Latin ed. p. 418*]

For the nuns, if any of them should request, for the sake of greater peace of mind and further progress in the way of God, that it might sometimes be permitted to them to confess to a priest in order to receive the confessions of the nuns, even if he is of another religious order, or a secular priest, it should not be difficult to grant their request. However, it is always required that this extraordinary confessor be one approved by the Ordinary for hearing the confessions of nuns. Furthermore, if the superiors of the religious community do not at least once a year choose an extraordinary confessor, either a secular priest or a religious of another order, in that case, this choice devolves to the Bishop. This provision of an extraordinary confessor, twice or three times a year, as well as all other matters prescribed above, must also be provided even for other religious communities, whether regular or secular, which have only one confessor. All of these things, established previously by various decrees of the Holy See, are confirmed by the Pope in the Bull *Pastoralis Curæ*. During the time that the extraordinary confessor is serving the entire community, the ordinary confessor is not permitted to hear the confessions of any nun of the same monastery, nor of any other person residing within the enclosure of the monastery or pious house. *Ibid.* Regarding censures, or penalties, in cases of hidden faults, even violations

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of the enclosure, or in granting dispensation from some hidden defect, the Major Penitentiary confessor grants these to the nuns. In cases of public violations of the enclosure, by the nuns, or by anyone else acting to a bad end, he does not grant absolution unless the Ordinary has first imposed a penance, and the case has been reported by the Congregation for Bishops and Regular Canons to the Penitentiary. *Bulla Pastoral bonus*. The annual contributions which relatives pay to designated nuns should be in no way detrimental to the common life; but it is required that all be consigned to the hands of the superior, who must first consider the needs of that nun to whom the contributions are made; and if anything remains, it will be used for the benefit of the others. Thus, according to several decrees. *De Syn. dioc. 1. 13. c. 12. n. 19*. Entry into monasteries of nuns, which are subject to religious rules, must be made with the permission of the Bishop, without exception.

[*Latin ed. p. 419*]

By custom, and as has been determined after careful examination, with the approval of Urban VIII, as stated in the aforementioned document, number 23, in which it is also decreed that these monastic permissions must be requested from the Bishop, and not from the superior of the religious order. MONS PIETATIS. Regarding the newly established *montes pietatis*, nothing beyond the principal sum can be demanded from those who receive a loan from it, even under the title of expenses, unless with a dispensation from the Apostolic See, as evidenced by the decree of the Holy Congregation of the Council in the Neapolitan case, on February 7, 1657, in *De Syn. dioec.*, book 10, chapter 5, number 2. Nor can anything more be demanded without the approval of the same See than what was customary before, even if this increase is deemed necessary for the support of the ministers, as evidenced by another decree of the Holy Congregation, ibid., number 2. If, however, more is demanded than is necessary for the required expenses, the Bishop is obligated to regulate these usury rates; it is safer, however, if he consults with the Sacred Congregation on this matter, book, number 3. FINES. The Bishop cannot add monetary fines to his own resources, however poor he may be, without the permission of the Apostolic See, as is demonstrated by numerous arguments from the Holy Congregation in the treatise *De Syn. dioec.*, book 10, chapter 10, number 2. But these fines must be expended for pious purposes. Much more so, those fines which Trent imposed on non-resident clerics, or those living in concubinage, cannot be applied to any purpose other than pious ones. Ibid. If, however, the diocesan synod has applied certain fines to another specific pious purpose, the Bishops cannot obtain these fines for themselves from the Apostolic See, even if they are poor, because the Apostolic See does not prejudice the right of another. Ibid., number 5. The Holy Congregation ordered that these

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fines, before being applied to their intended purpose, must be deposited with a faithful administrator, in its Encyclical addressed to all Bishops, on February 5, 1678. Ibid., number 4.

[*Latin ed. p. 420*]

NEGOTIATION. Constitutions against clerics engaged in commerce are renewed and extended to clerics who engage in any kind of business under a lay name. They are also extended to businesses begun by laymen, and then transferred to clerics, whether by hereditary right, or by any other title, whether individually, or jointly, or separately, or jointly with other goods, with existing lay co-heirs or partners. Those clerics are also considered to be included who, by themselves and in their own name, or through others, or in another's name, even through their co-heirs and partners, conduct business. The Holy Father subjects all of these, with regard to goods acquired by them in this way, to penalties in the constitution *Pii IV*, which begins with the words "Decens esse," which is number 19 among the bulls of that same Pontiff. These penalties are that the goods so acquired are to be included among those subject to the due confiscation for the Apostolic Chamber. However, if anyone is exempt from the penalty of confiscation by the constitutions of Pope Pius IV, and of Pope Paul V, in *In Eminentes*, the Holy Roman Pontiff likewise declares that they are not exempt with regard to goods derived from commerce, as is stated in the Apostolic Constitution *Servitutis*, which is in the Bullarium. However, improper commerce is not forbidden to clerics, for example, to earn their living through the labor of their own hands and honest craftsmanship, which the Apostle Paul taught by his own example, and which has also been permitted to holy monks. *De Synod. dicœe. 1. 40. c. 6. n. 2.* It is also permissible for clerics to sell goods collected from their own estates, as well as, for example, things which they have bought together to support their families, which, if they remain over, they may sell for a higher price than they bought them for, but within the limits of a just price. *Ibid.*

MARKETS. Markets must be carefully distinguished from *nundinae*; for *nundinae* occur once a year, or rarely in the same place, and people come from afar to them; whereas a market is where goods are displayed for sale for daily necessities, and occurs regularly.

[*Latin ed. p. 421*]

During the week, the people from the surrounding areas come to the church. If these later arrivals happen to arrive on a feast day of precept, they are to be accommodated. However, those who arrive earlier are not; although the pharmacies are to be closed on that day, as are contracts to be made, during the hours of Matins and Vespers when divine services are celebrated in the church. Thus, Benedict XIV ordered in his constitution. From that time forward. OBLATES OF MONASTERIES. Oblates, and those

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called Donates, although not religious, if they have not retained any part of their own goods, either in terms of ownership or usufruct, but have transferred them to the monastery, are ecclesiastical persons, and enjoy the privilege of the forum and immunity from secular exactions. However, in order to be removed from the jurisdiction of the Bishop, it is required that they actively serve their religion, as the Pontiff secretly indicates in the book of the Diocesan Synods, book 6, chapter 3, paragraph 4. MIDWIFE. Midwives must be carefully examined by the parish priest to determine whether they know what is necessary to administer Holy Baptism. If they have baptized, the ceremonies must be completed in the church; however, the baptism does not need to be repeated indiscriminately simply because the child was held by the midwife or someone similar, but it must be inquired whether anything necessary was omitted. Ecclesiastical Institutions, 8, paragraph 6. DIVINE OFFICE. In the recitation of the Divine Office, a dispensation may be granted for some moral difficulty by the Major Penitentiary. Bull of *Pastor bonus*. PRAYER. The indulgences already granted for prayers, whether spoken or mental, are confirmed in the bull *Quemadmodum*. For those uneducated people, the practice of pious prayer or meditation.

[*Latin ed. p. 422*]

Those who have not been instructed, and those who have been absent from these exercises, may gain an indulgence of seven years, and forty days, as often as they participate in them, provided they are truly penitent and have received Holy Communion. Furthermore, those who perform this act diligently, once each month, being truly penitent, and having received Holy Communion, and praying according to the usual manner for indulgences, may obtain a plenary indulgence, applicable even to souls in Purgatory. This same benefit can also be obtained by those who, for at least one hour each day throughout the month, dedicate themselves to mental prayer, provided they are truly penitent and have confessed, and have received Holy Communion, and have prayed for concord, etc. Therefore, the Pope urges that Bishops should instruct the superiors of the principal churches in cities, and the parish priests in towns, to invite the faithful at a certain time of day by the sound of the bell, either to come to the church for this exercise, or to perform it privately in their homes. There are three kinds of prayers offered by sinners. Some are in the state of mortal sin and believe themselves to be contrite, although they are not; their prayer is heard by God according to its institution. Others are indeed sorrowful about sin, but not to the extent that they are cleansed from it; these, as has been said, can cleanse themselves and become free, if they pray to God for this purpose, and will obtain at least those things that pertain to their eternal salvation. Finally, there are those who are neither sorrowful about sin, nor do they strive to leave that state, indeed, they do not even will to do so; if they ask anything of God, either spiritual or temporal, they are rarely heard. Thus, according to

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Suarez, *Instit. Eccles.*, 62, n. 10.

PRIVATE ORATORY. Notwithstanding the decree of Clement XI, it is permissible for Bishops to erect altars, and to celebrate, or to have celebrated, Mass outside their homes, in the homes of lay people, when they are acting there in the manner of residents, as if they were there on the occasion of a visit, or a journey, or because they are received as guests. The individuals who must be present for Mass to be celebrated in private oratories are those who are named on the front, or on the inscription of the Brief; if these are not present, Mass cannot be celebrated. Ibid., § 14, 15. However, if someone is named in the Brief who is present in person, then...

[*Latin ed. p. 423*]

Mass may be celebrated there, even if he does not come in the front or with a sign; nevertheless, the Mass can be celebrated in his presence. Ibid. §. 16. The Sacrament of Penance is forbidden to be administered there, or even by regular priests themselves. Ibid. §. 20. Holy Communion cannot be administered here, unless the permission of the Bishop is obtained. §. 23. PUBLIC ORATORIES. No right belongs to the parish priest to prevent the celebration of Mass in public oratories within his parish before the customary parish Mass. From the decrees of the Sacred Congregation, *Inst. Eccl.* 44, n. 11. However, the Ordinary may forbid this, provided that Mass is celebrated in the parish church at an appropriate hour. These words are from the decree of the Sacred Congregation. Ibid. n. 12. In the archdiocese of Bologna, if a public oratory is one mile distant from the parish church, this anticipation is permitted, provided that the chaplain is obligated to announce the holy days, to explain the Gospel, as well as to provide catechesis and Christian instruction, which is also mandated by Clement XII in the Encyclical addressed to the Bishops of Italy, dated in the year 1733. Ibid. n. 13. ORDERS. It is certain, by the consensus of all theologians and by the definition of the Council of Trent, session 25, canon 5, that the true order is that of the Sacrament of Holy Orders. It is also the opinion of all Catholic theologians that this pertains to the priesthood; and it would be a grave error, fraught with danger, to deny this regarding the episcopate, although it is held that the order is not different from the priesthood, but rather an extension, perfection, and complement of it. Regarding the diaconate, although it is not certainly a matter of faith according to the opinion of some theologians, it seems to be inferred from the definition of Trent. Theologians dispute regarding the other particular orders, although the question of the subdiaconate is sometimes less important than that of the other lower orders. The Pope declares that he has not undertaken to define this. Therefore, he forbids the Bishops to condemn those who, with a deadly conscience of sin, receive orders inferior to the diaconate, with the

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penalty of sacrilege, in their Synods.

[*Latin ed. p. 424*]

It is said that some, under another name, declare those to be guilty of sacrilege, when the sacred order is usually not performed, nor can it be performed outside of the solemnities of the Mass, in which newly initiated receive the sacred Eucharist, and to inflict a grave penalty upon him who, with a knowledge of a grave sin, approaches to receive it. From *De Synod. diœe. l. 8. c. 9*, throughout. There is doubt concerning the matter of this sacrament (regarding the priesthood, episcopate, and diaconate), whether it consists in the tradition of instruments, or in the imposition of hands, or whether it consists in both together? And concerning the imposition of hands, there are heretical doubts; it is threefold. Consequently, if something is omitted in any article of the matter, the Pontiff judges that the entire order should be repeated, under a condition. From *De Syn. diœes. lib. 8. cap. 10*. In the announcements which many Bishops, about to confer sacred orders, make through their archdeacon, it is certainly not their intention to ordain those who are held back by irregularity, or other canonical impediments; rather, the purpose is usually to deter the corrupted. However, they truly intend to consecrate anyone whom they propose to. Nor are they to be considered to declare anyone guilty of a grave sin, by insisting on the contrary will. All confess that those who would do so would incur a grave fault. However, the Pontiff judges that such an announcement should be omitted, and that Bishops should confine themselves within the limits of the edict, which is found in the *Pontifical Romano*. For in that edict, it is prescribed under pain of excommunication, that no one held back by a canonical impediment should dare to approach. Ibid. c. 11. See also concerning this question, *de sacrif. miss. l. 3. c. 10*. Truly, the sacred orders are not to be conferred within the solemnities of the Mass, except by the Bishop who ordains, so that if a Bishop were to declare himself guilty of a grave fault, who, while another priest is celebrating, nevertheless performed the ministry of the sacred order, the order would still be valid. From *De Syn. diœe. l. 8. c. 11. n. 3. et 6*. The benefice, to the title of which the orders are conferred, should yield only as much from its revenues as is sufficient for the honest support of a cleric, according to a standard defined by the Bishop; deducting, however, the expenses, except for those of the Mass, unless the Bishop otherwise determines. If, however, a cleric is ordained in his place of domicile, and obtains a benefice in another diocese, then if he—

[*Latin ed. p. 425*]

The perpetual residence is not required; this sustenance must be provided according to the local synodal assessment, where the benefice is located; otherwise, it must be determined whether residence is required, ac-

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cording to what Innocent XIII established in his Apostolic Constitution. All of this is from the Synodical Decrees, book 1, chapter 12, paragraph 9, number 2. Holy Orders are conferred primarily by the title of an ecclesiastical benefice; and they can only be conferred by a Bishop as a supplement, for necessity or convenience, by the title of a pension or endowment, as stated in the Council of Trent, session 21, chapter 2, concerning reforms. Moreover, unless necessity or the benefit of the Church is present, it is not permitted, as decreed by the Sacred Congregation of Councils in the Encyclical of May 15, 1679, drawn up by the order of Innocent XI, in *Institutiones Ecclesiasticae*, 26, number 2. Regarding the conferring of Orders, the Pontiff, according to the Council of Trent, session 25, chapter 2, concerning reforms, does not consider it to be within the Bishop's discretion to confer minor Orders on those who are ignorant of the Latin language, if they show promise of future progress; for the Council requires that they at least understand the Latin language; and the Bishop's discretion, as mentioned there, applies to deficiencies, not to the knowledge of the Latin language. *Institutiones Ecclesiasticae*, 42, number 2. Since, for the sacred Orders, the Council of Trent, ibid., chapter 14, requires the necessary knowledge for teaching the people, which is necessary for salvation, and for administering the sacraments, it is fitting that a year of study precede the diaconate, whether in moral theology, scholastic theology, or canon law. Two years are required for ordination to the diaconate, and three years for ordination to the priesthood. The intention of the Council of Trent is not fulfilled if someone has only studied in moral theology, for example, in Cham, etc. For the Council requires that the people be instructed in what is necessary for salvation. Ibid., number 3. Dispensation from the requirements for the sacred Orders, even for religious, does not pertain to their superiors, but to the Bishop who ordains; as stated in the response of the Sacred Congregation, *Institutiones Ecclesiasticae*, 58, number 1. Although it must be presented to the judgment of the superiors of the religious order, as stated in other decrees of the Sacred Congregation, ibid. Regarding secular clergy, the Bishop can grant dispensation if he recognizes that it is required for the benefit or necessity of the Church. This benefit results when few ministers are available; when the one to be ordained is more advanced in age, and also very advanced in studies; or when it concerns a parish, or another benefice that requires the sacred order to be conferred within the year, as stated in the documents, ibid.

[*Latin ed. p. 426*]

Furthermore, if anyone has obtained a dispensation from the Holy See regarding intervening days; nevertheless, this dispensation is at the discretion of the Bishop, as Innocent XII stated in his resolution on December 4, 1695, in his Bullarium. Ibid. If someone has obtained a privilege from the Holy See, to be ordained outside of the prescribed times, even on three

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intervening festive days with a dispensation regarding intervening days, he cannot receive the orders on the intervening days, but only on festive days, because a double feast is celebrated on those days, but not a feast of precept. Although it is said in the Breviary on festive days, nevertheless, the term "festive" in the style of the Holy See indicates a feast of precept. Moreover, the decree of the Sacred Congregation defines that festive days are to be considered as feasts of precept. *Instit. Eccl. 106, no. 6.* It is not permitted to confer the minor orders except on Sundays and on double feasts of precept, which was added to the Roman Pontifical by Urban VIII in the new edition; therefore, it is not permitted to ordain someone who is to receive the initiation on double feasts, but not on feasts of precept. *Instit. Eccl. 106, no. 3.* If someone receives the minor orders and on the same day, the subdiaconate, he falls under suspension, according to the Decretal in the chapter concerning him who secretly receives orders; some doctors believe this, although others deny it. *Instit. Eccl. 106, no. 8.* However, it is forbidden to do this, as affirmed by several decrees of the Sacred Congregation. Ibid. If a cleric is to be initiated into the sacred orders and is accustomed to some sin, then, truly, let him present reasons worthy of consideration, so that the confessor may truly judge that he is contrite; however, let him not, while penitent, consent to the confessor urging him to postpone the reception of the sacred order, but rather, let him firmly resolve to bind himself immediately with a solemn vow; whether, in this way, having been so strengthened in his will, he can be absolved, is a doubtful question, and therefore, it is advisable to urge him to consult a prudent and learned man, from whom he may seek remedies and counsel. *De Syn. diæc. i. 11, c. 2, no. 17, 48.* The minor orders conferred by an Abbot are not valid for anyone who does not have a privilege to that effect, nor are they lawfully conferred. If, however, they are conferred by Abbots who have the right to confer them on a certain class of persons, and those whom they initiate are to be ordained to another order.

[*Latin ed. p. 427*]

They pertain, are conferred illicitly, but nonetheless validly; thus, according to various decrees. S. C. De Syn. dioc. 1. 2. c. 11. n. 8. et 9. The Bishop can, in order to facilitate the examination, offer a more lenient approach, as stated in Salm. Theol. Moral. tr. 8. c. 5. dub. 2. punct. 2. n. 47. He can also readily grant dispensations from impediments, conforming himself to the judgment of the superior regular canon who testifies to the sufficiency of the cause. Inst. Eccl. 25. num. 1. A Bishop ordaining foreign subjects directly to himself, is not, indeed, obligated to subject them to a new examination, since this is to be provided by their own Bishop, according to the common opinion of Doctors; but if he wishes to subject them to a new discussion, he may, as is often stated by the S. C. Concilii. But a suffragan Bishop, appointed to supplement the diocesan Bishop, is neither obligated nor able, as the same Congregation decided in the case of Elbor. Dubior. on August 22,

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1721; however, it is permissible for him to abstain from the ordination if a just cause exists for removing the impediment. De Syn. dioc. 1. 12. c. 8. num. 7. In order for the ordination to be valid, the one being ordained must have the intention, whether virtual, at least external and internal, of accepting what the Church intends to have him accept. If, however, the one being ordained intends to avoid a grave evil, and for that reason receives the orders, then the ordination is certainly valid. De sacr. miss. 1. 7. c. 40. n. 12. But if he receives [the orders] without internal intention, then, indeed, the ordination is not valid. Nor is it valid if he has an indifferent mind, that is, neither the will to receive nor to refuse the orders. Regarding the invalidity of this ordination, the decree of the S. Congregation is cited. In the Sacred Congregation on March 31, 1683, the question was raised whether a cleric (who had falsified testimonial documents regarding previous ordinations, and therefore, fearing the censures that are usually threatened in such cases in the edict, had the intention of not receiving the order of subdeacon, which was then being conferred upon him by the Bishop) was, in fact, ordained? It was answered on August 24 of the same year that he should be ordained again under the condition; for, due to the disturbance of mind with which the cleric was agitated, it could not be sufficiently determined whether he did not have a true intention of receiving the order. Ibid. n. 13. With those promoted to the orders who have acted badly, and with those promoted significantly by jumping steps in hidden cases, the Major Penitentiary...

[*Latin ed. p. 428*]

He can dispense, for the sake of effect, so that those who have omitted [certain things] may secretly receive [sacraments] from any priest, even outside of the proper times, without observing the prescribed intervals, and without dispensations: but not so that several sacred orders may be conferred on the same day. *Bulla Pastor bonus*. He also dispenses in cases of promotion to the sacred orders through simony, but only in secret matters, and in the forum of conscience. Ibid. n. 49. PARISH PRIEST. An actual parish priest, even a religious one, whatever name he may be called by, namely, perpetual vicars or those appointed for a time, is bound to offer the Mass for the people on each day of precept, as stated in the Encyclical addressed to the Bishops of *Italiæ*, beginning with the words "Cum semper." The Pontiff commands this. If he has other obligations to offer the Mass on those days, he must take care to have them fulfilled by others. Ibid. §. 8. However, the Bishop can grant an indulgence to poor parish priests, so that the parish priest himself may fulfill other obligations that may arise, by offering the Mass on feast days, provided that he does offer the same Mass for the people within the week. Ibid. §. 8. A parish priest who possesses more substantial revenues is absolved from the obligation of offering the Mass each day for the people; provided that it has not been otherwise

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stipulated in the foundation of the benefice. Ibid. n. 6. The Bishop can punish a religious parish priest who is negligent in his duties, cumulatively with the superior religious; but in such a case, if the superior religious has made a different provision, the Bishop's command must be followed. Thus, the Pontiff states in the *Bulla Firmandis*. If he must be removed, both the Bishop without the superior religious, and the superior religious without the Bishop, can perform this task. Ibid. §. 11. Parish priests have ordinary jurisdiction in the internal forum, but not in the external forum; whatever others may think, therefore, they cannot pronounce any sentence of excommunication, according to the common and generally accepted opinion. *De Syn. diæc. I. 5. c. 4. n. 2*. Parish priests are bound to attend the blessing of the fonts on the holy Sabbath, according to the repeatedly issued decrees of the Sacred Congregation of Councils. *Instit. Eccl. 1. n. 2. et seq*. The successors of Bishops can, for a reasonable cause, even outside of a visitation, examine parish priests of other approved parish churches, as stated in the decree of the Sacred Congregation of Councils, *Instit. Eccl. 9*.

[*Latin ed. p. 429*]

n. 46. And this also the Bishop can grant at his discretion, and from the sole motive of his own will, even if there is no suspicion whatsoever. Ibid. If, however, the Bishop wishes to re-examine those whom he himself has approved, at least an extrajudicial infamy concerning ignorance is required. Although this is not required for those whom a lay patron has nominated to a benefice, if they have not been approved in the competition, as stated in S. Rotunda, and by the Cardinal of Lucca concerning parishes. Ibid. The parish priest is to be considered guilty of the crime of complicity he who sins with his female servant, who dwells in his house, even if he has a paternal home in another parish. And indeed, he is bound to fulfill the Paschal precept in the parish where he has his service. Inst. Eccl. 83, n. 22. It is permissible for a parish priest to have in his house women who are joined to him in the first and second degrees of consanguinity, and also relatives in the first degree with their female servants, provided that they are not less than forty years of age. Thus, it is decreed by the Sacred Congregation of Councils for the diocese of Bologna. Inst. Eccl. 72, throughout. Although this decree refers only to female servants who cohabit with one parish priest; those who perform their duties for relatives of the same parish priest, even of a younger age, are permitted, provided that they have a testimony of good reputation. Parish priests of another diocese cannot hear confessions in another diocese without the approval of the Ordinary of that place, except for their own subjects. Thus, from the decree of the Sacred Congregation of Councils. Inst. Eccl. 86, n. 7. Parish priests who have been appointed through competition are considered suitable to hear confessions throughout the city, or town, where parish priests are established, but not throughout the entire diocese of the approving Bishop; as

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stated in the decrees of the Sacred Congregation. Ibid., n. 15. However, by custom, parish priests hear confessions in the diocese, and vice versa. Ibid., n. 13. If a parish priest renounces his benefice, he needs a new faculty to hear confessions, as is commonly held by Doctors. Ibid. A parish priest who has meager income, and a very numerous population, so that he cannot suffice on his own to hear confessions, is obliged to add another priest as an assistant, to whom, if...

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Himself being unable, the people are obligated to provide what is necessary for his support. Thus, from Decree 94, paragraph 7, of the Sacred Congregation of the Council of Trent. The parish priest, knowing from private knowledge that one of the parties about to be married is secretly adhering to a heretical sect, cannot assist at the marriage, just as he cannot, if he knew of an impediment that would invalidate the marriage. Thus, from the Diocesan Synods, Book 1, chapter 6, paragraphs 7 and 8. The parish priest is bound by material and formal residence, even during times of plague, even with the risk of contracting the disease, as evidenced by decrees of the Sacred Congregation approved by Gregory XIII. From the Diocesan Synods, Book 1, chapter 15, paragraph 2. And this is true, even if a suitable priest is provided, so that, in his absence, someone else may perform his duties. Ibid. It is indeed permissible for the parish priest to withdraw from his residence due to enmities and persecutions, as stated in the chapter "On Supplications, Concerning Resignation," because then the danger of enmities threatens only the parish priest; therefore, he can substitute another priest who can perform his duties without such danger. But during a plague, the danger threatens everyone equally, and therefore it is more fitting that this distinction be made by the parish priest than by another priest. Ibid. What has been said here about the parish priest also applies to the Bishop. During a plague, and for those infected with the disease, the parish priest is obligated to administer the sacraments of Baptism and Penance, as noted in "V. On the Sacrament of Penance," but also the Eucharist, so that the parishioners are not deprived of such a great benefit in that necessity, unless in that very rare case in which there are few priests, or the parish priest; in which case, after administering the Sacrament of Penance to one person, there would not be enough time to administer the Sacrament of Penance to others who are dying: or if, by administering that sacrament, he could not avoid death, and thus the people would be deprived of priests, as taught by Suarius. From the Diocesan Synods, Book 15, chapter 19, paragraphs 48 and 49. Regarding Extreme Unction, according to the teaching of the same Suarius, the parish priest is obligated to administer it, as long as he is able to do so without moral danger to his life. Ibid. PROPERTY. Property should not be established in the name of a cleric in Monteu da Po, such as a musician, teacher, etc., as the Sacred Congregation

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responded in a certain decree.

[*Latin ed. p. 431*]

In the month of October, 1589. As it cannot be established in movable and transportable goods, as the Sacred Congregation responded on November 29, 1670, *Inst. Eccl.* 26, n. 7. Benedict XIV, while still Archbishop of Bologna, admitted to a provision in a movable chapel, provided that the patron had obligated himself to never remove the said chapel as long as the cleric lived, or as long as he had not obtained another benefice or patrimony, and that the same patron, or another, had likewise obligated himself to provide for the sustenance of the cleric, should he be hindered from celebrating Mass. Ibid., n. 11. Furthermore, he admitted to a provision in perpetual holdings, provided that the debtors, if they wished to restore the holdings, obligated themselves to deposit the money in a safe place, for this purpose, as in new or stable holdings. Ibid., n. 12. Then, care must be taken that the cleric be invested with the same money under pain of suspension. If anyone wishes to assign a sufficient portion of his patrimony to a cleric, provided that this liberality is genuine and inalienable without the permission of the Ordinary, it can certainly be admitted, as evidenced by various responses of the Sacred Congregation, ibid., n. 15. It must be ensured, however, that those goods are so free from other burdens that there remains of them sufficient sustenance for the cleric, Ibid., n. 14, provided that there is also no tacit or express agreement, made outside the instrument, so that the possession of the goods remains with the assignor. An assignment of patrimony made by a father with respect to a son, to whom he has given all his possessions to the detriment of the legitimate rights of the other children, is not valid. Nor is it admitted if the father transfers all his possessions to a son with the burden that he provide for him, unless this is expressly stated in the instrument of the patrimony. Ibid. If someone knows that his patrimony is fictitious, and nevertheless receives ordination, he remains suspended, as evidenced by canon *Neminem* and canon *Canctorum*; dist. 70, and by the decree of the Sacred Congregation in the year 1610. If, however, he does not know this, but the Ordinary does, and yet ordains him, the Ordinary does not incur suspension, but is bound to provide for his ordinand from his own resources, by virtue of the same canons, and the opinion of the Sacred Congregation, n. 16. The alienation of patrimony without the permission of the Ordinary is null and void by its very nature, as evidenced by the decrees of the Sacred Congregation, ibid., n. 28, nor can it be converted into other goods, or into another benefice, without fa-

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With due regard for the Ordinary, as in similar decrees. Ibid. n. 29. Nor can the goods of the patrimony be compelled, so that, should it happen

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that a debt must be paid, no execution can be carried out, except upon that portion of their goods which exceeds what is necessary for the maintenance of those who are under the care of the Ordinary. However, it is permissible for the creditor to receive payment, or to sell the right, which would pass to the heirs after death. Thus, according to the decrees of the Holy Council, n. 50. Finally, those who are appointed to a benefice are not permitted to resign it, unless mention is made of the title which is adjacent to the benefice being resigned, and it is demonstrated by conclusive proofs that there is another way for the resigning party to conveniently provide for their sustenance. Thus, according to the decrees of the Holy Council, Ibid. n. 50.

PATRON. The ecclesiastical patron is bound to present to the benefice in question, the one whom he considers to be the most worthy among those approved by the examiners, according to the decree of the Council of Trent, Session 24, chapter 18. The Bishop is not to inquire into the choice made by the patron, unless someone who was among those disapproved should complain about the choice made by the patron, as if he had chosen someone less worthy. Thus, in the Letter to the Archbishop of Florentino, *Redditæ nobis*. The lay patron is bound to present the more worthy person for the benefice in question, as affirmed by St. Thomas, *Summa Theologica*, 2-2, question 63, article 2, ad 3, and by other theologians. *Instit. Eccles.* 7, n. 5, 8. The patron, if he promises to confer a benefice upon someone for a temporary reason, namely because of a blood relationship, etc., is not bound to keep his promise, especially when the benefice is not yet vacant. Thus, according to St. Thomas, *Instit. Eccles.* 22, n. 8. If the ecclesiastical patron presents someone as the more worthy, and the examiners judge him to be the more suitable compared to others, and one of those who was judged to be less worthy complains to the Bishop about the erroneous judgment of the examiners, and contends that he is more worthy, then the Bishop, as a judge, before granting the institution, must inquire into the matter concerning the patron. *Epist. ad Archiep. Florent.* in Bull.

[*Latin ed. p. 433*]

THE PENITENT. A penitent, or anyone else who falsely reports to ecclesiastical judges that he has been urged by a confessor, incurs a reservation reserved to the Apostolic See. The Bulla concerns the sacrament of penance. THE SACRAMENT OF PENANCE. Contrition for sins is indeed, according to the Council of Trent, sufficient to dispose the penitent to receive the grace of God in the sacrament of Penance, but what kind of contrition is required is not entirely clear, for it can be joined with some love of God, albeit weak, faint, and fleeting. It can also be sorrow for God, not because He is supremely good, but because He is good to us; moreover, it can be sorrow conceived solely from the sins themselves, because of their ugliness, or merely from the fear of punishments and hell, without any love of God.

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However, even this last kind of contrition can be aroused by the fear of hell, so that it may be joined with some initial love of God, so that sins are hated because of the punishments, and at the same time, the soul is drawn to God as a lovable object. The question is twofold among theologians: whether servile contrition, which is elicited solely from the fear of hell and punishments, without any initial love of God, is sufficient; or whether at least some initial love of God is required. The Pope warns that nothing should be decided by the Bishop in his Synod on this matter; however, he suggests that confessors should be instructed that it is fitting to urge penitents to true and perfect contrition, as is also noted in the Ritual, ordered by Paul V. Concerning the Synod, Decree 1, chapter 7, paragraph 15, in its entirety. A dying person, who, before suffering a sudden and grave illness, exhibits signs of contrition, and after a confessor arrives, does not outwardly manifest this intention, it is a much more probable and safer opinion that he can be absolved. This does not apply to the controversy as to whether absolution should be given conditionally or absolutely; for this only applies in the case where the dying person has given completely doubtful and ambiguous signs of contrition. Concerning the Synod, Decree 1, chapter 7, paragraph 15, number 8. If, however, there is no testimony that, before the illness...

[*Latin ed. p. 434*]

The opinion of those who contend that absolution should be granted, even to one afflicted by a mortal illness, is more plausible, provided that the individual has lived a Christian life; for the acts of a Christian life are all the more voices by which that poor soul has requested absolution for himself, and has demonstrated contrition. And if these acts of penance, performed during that life previously lived in a Christian manner, were not present, it would be said that they preceded [the present moment], and would then be considered as present, just as contrition is considered present before the sudden onset of death. See *De Syn. diæc.*, book 7, chapter 13, paragraph 10. Some even maintain that absolution should not be denied, even to those who, although they have lived poorly, have nevertheless retained the Catholic faith and have acted as Catholics; although this opinion seems too lenient. Ibid., paragraph 15. The sacrament of Penance is not, by its very nature, required to be administered by the Bishop to those infected with the plague, since he acts through the parish priests, as a universal cause through particular agents; but the parish priest is certainly obligated to do so, as reason suggests, and as decrees of the Holy See, approved by Gregory XIII, declare; although he may administer it either directly himself, or through the assistance of a priest approved by the Ordinary; for if the parish priest were absolutely obligated to administer it himself, the other parishioners, not afflicted by the disease, might refuse to receive the sacraments from the priest, fearing contagion. See *De Syn. diæc.*, book 13,

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chapter 19, paragraph 7.

The Penitentiary [office] regulates and extends, and reforms, the faculties of the Penitentiary, according to certain laws, as established by Benedict XIV in his bull *Pastor bonus*. He can absolve all those who apply to him, both from all sins, and from all censures, even those included in the bull *Cæna*; Regulars in both forums, others in the forum of conscience. Although he can also absolve others in both forums, especially when it concerns censures imposed by law and reserved to the Apostolic See, or even those imposed specifically by a person, if the jurisdiction of the judge who pronounced the sentence has already expired, or when absolution has been remitted to the Holy See, or if those censures have been attached [to the individual].

[*Latin ed. p. 435*]

Those who are hindered from approaching, so that they may be absolved by him from whom they rightfully ought to be absolved, are absolved. He also absolves heretics, provided they are hidden, even if they have fallen into external heresy, provided that those acts are not seen or noted by anyone. He also absolves public heretics and apostates in foro conscientiae in cases in which it is not necessary to denounce their accomplices, namely, when those accomplices have died, or live in regions openly infected, but not in those in which the office of the Holy Inquisition is active. He does not absolve Princes, and others who hold the power of the empire by the name of vicar, etc. He does not absolve Bishops, and other superiors, in cases involving public matters, as contained in the Bull *Cænæ Domini*. He does not absolve those who, through astrology or divination, either by themselves or through others, inquire about the state of the Christian republic, or about the life and death of the living Roman Pontiff. See the rest in that same Bull. When the pastor of the Roman Church is absent, the Major Penitentiary, whose office is not then vacant, can absolve anything pertaining to the forum of conscience, even from those censures from which he could not absolve while the Pontiff is living, but in such a way that the absolution is only for the present, unless a recourse is made to the new Pontiff within a specified time. As for the external forum, when the Apostolic See is vacant, the Holy Penitentiary can do nothing, except only in the matter of regular canons who have apostatized, as stated above in *V. Regulares*. Finally, in the same case, he can absolve public violators of ecclesiastical liberty and immunities, but only for the present, as above. All of these things are contained in the Bull *Pastor bonus*. He can also appoint confessors for nuns, but only from those who have been approved for hearing the confessions of nuns.

Pestilence. Concerning what is permitted or forbidden during a time of pestilence, regarding the administration of the sacraments of Confirmation, Penance, the Eucharist, and Extreme Unction, see in the individual articles

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concerning each of them. Whether it is permissible to shorten the confession of the dying out of fear...

[*Latin ed. p. 436*]

Concerning the prevention of diseases, the question is twofold among Doctors, and nothing certain is decided. Concerning the Diocesan Synod, book 13, chapter 19, paragraph 19. With regard to the administration of the Eucharist, Muratorius teaches in his treatise on the plague that not every rite of the Church prescribed must be observed, but rather that the judgment of the Bishop should be sought. What each individual can do to administer it less dangerously, but decently, was also decreed in response to the requests of the Apostolic Vicar of Julia Cæsaræ. Concerning the Diocesan Synod, ibid., paragraph 26. The Bishop can safely judge, during a time of plague, that the Eucharist should be given to the laity, to be received by their own hands, so that they themselves may apply it to their mouths. Ibid., paragraph 27. The Extreme Unction can be conferred upon those infected with the plague by anointing the organ of that sense which offers itself most readily to the anointing, thus performing the rite in the manner customary when only one sense is anointed. Ibid., paragraph 29. However, by the judgment of the Bishop, in that case, the sick person can be anointed using a long rod, at the end of which is cotton soaked in sacred oil. Ibid., paragraph 30. PLEDGE. Those things which cannot be sold, nor can be given in pledge. Law of Pupillus, section. Concerning that matter, titles. Those things which are subject to a pledge, etc. Therefore, ecclesiastical goods, and even valuable movable goods, can only be sold with a legitimate reason, and with the permission of the Apostolic See, or of the Bishop, with respect to movable goods of lesser value. Church Law, 69, paragraph 3. PRECEDENCE. The parish priest of the place where someone has died always has precedence over others, as long as he is within the limits of his parish. Church Law, 103, paragraph 34. PUBLIC PRAYERS. Secular princes can certainly request from the Bishop that public prayers be ordered for the necessity of the state, and they ought to do so. But it would certainly be an abuse if, even from...

[*Latin ed. p. 437*]

It is customary for princes to wish to order these [liturgical celebrations], neglecting the authority of the bishop. The Encyclical addressed to all Bishops, *Quemadmodum preces*, concerns this. PROCESSIONS. Clergy holding any benefice or ecclesiastical office, as well as simple presbyters, cannot be compelled to participate in solemn processions. However, those holding a benefice, even a non-residential one, certainly can. Thus, the Sacred Congregation decided, and on the occasion of this decree, it is considered that nothing here is decided concerning clergy who are not beneficed, but are dedicated to the service of some Church. *Instit. Eccl. 51, n. 2.* Processions

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must take place before the solemnly sung Mass, according to the rubric of the Roman Missal. *Instit. Eccles. 68, n. 12*, unless, for a grave reason, it seems better to the Bishop, or to the clergy. *Ibid.*, from the same. Regular clergy cannot institute processions except within or around their churches; nor confraternities, except within their oratory. However, if they wish to proceed through the city, they must certainly offer some service to the parish priests of the respective places. *Instit. Eccl. 105, n. 51.* However, the license of the Bishop is sufficient, even if the parish priest objects, as has been decided by the Sacred Congregation of Rites. *Ibid.*, n. 52. The procession on the feast of Saint Mark, if it falls on the very day of Easter, must be transferred to the third day of Easter, according to the decree of the Sacred Congregation of Rites on September 25, 1734. *Inst. Eccl. 28, n. 3.* PROFESSION OF REGULAR CLERGY. See V. Regulars, concerning the manner in which judgments regarding the nullity of a profession should be instituted. QUESTION. Even if the Greeks present testimonials of their adherence to the Roman Church, they are nevertheless prohibited from questioning [the validity of their vows], according to the decree of Innocent XI, and they are ordered to receive the faculty concerning this matter from the Bishop, and to present themselves to the same Congregation concerning this matter.

[*Latin ed. p. 438*]

To transmit the faith to pagans. Furthermore, Clement XII, in his Brief, ordered that money collected from the Greeks, and deposited in certain places, be seized by the Bishop and transmitted to the same Congregation. *Instituta Ecclesiastica*, 75, n. 1. REGULAR CANONS. Benedict XIV, in his Constitution, *Si datam hominibus fidem*, states many things concerning the proving of the nullity of a regular profession. Therefore, the decree of Trent, session 23, concerning religious orders, chapter 49, must be observed, by which those who appeal against a profession are not to be heard, unless they appeal within five years from the day of the profession. He also confirms various decrees of the Congregation of the Council concerning this matter. Furthermore, he orders that proofs must not be based on extrajudicial testimonies, but that all proceedings must be juridical. Moreover, he commands that both the defenders of the monastery in which the profession was made, and relatives, or others, who possess the goods of the professed, and also those who were the authors, or accomplices, of any fear (if the nullity of the profession is alleged due to fear) be cited and heard. He orders that in each diocese, a defender of the profession be appointed by the Ordinary, to whom a salary, determined by the judge, must be paid, or by those to whom the goods of the professed belong, and in their default, by the monastery, and if this is not possible due to the fault of the court. Appeal must be made from the first judgment concerning absolute nullity, and it is not permissible to deprive a religious of his habit without a second

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judgment. After five years, it is necessary to petition the Apostolic See for restitution in integrum, for which the defender of the profession always assists, first by initiating proceedings according to the force of commissions, and superior regular canons, and local Ordinaries, and then, when the question of whether restitution in integrum should be granted is presented to the Holy Congregation. Nor is a single favorable judgment sufficient in that concession; but two conforming judgments are required. The Pope establishes this new law; in other matters, the usual judicial practice must be maintained. With regard to religious who return from apostasy, the Major Penitentiary can dispense and modify the penalties incurred, and the regular penances to be performed, as well as absolve from censures, provided that they do not relapse, unless they return before the appointed time (although irregularity continues until the actual).

[*Latin ed. p. 439*]

Provided that the return [to the religious life] perseveres. He can also grant them permission to pass to another order. However, he must not allow any religious person to live in secular garb, or as a secular cleric. See the Bull *Pastorbonus*. The Major Penitentiary can grant permission for a transition from one religious order to another, even a less strict one; but he must restrict this power of granting passage to orders in which regular observance is maintained, and in cases of doubt, the attestation of the Ordinary is required. However, he does not grant passage to hospitaler and military orders, although he is more lenient in granting passage to the Order of St. John of God; nor does he grant passage to the older Order of St. Benedict, or to other similar congregations of any kind. Ibid. § 54 and 55. If a religious person is detained before profession by a habitual illness, and does not report his fault, unless after profession, he cannot be expelled, unless otherwise stated in the constitutions of that same order, as is declared in the constitutions of the Capuchin Fathers, in which the religious order expresses that it wishes to retain such a professed person as little as possible. Whether, then, a professed person who has not been dismissed from the religious life can spontaneously leave, even against the will of the order, is a question not yet defined by the Holy Congregation. From the Decrees of the Diocesan Synod, book 13, chapter 11, paragraph 4. Religious persons are considered to be apostates if, while maintaining that they are not professed, they lay aside their religious habit and leave the cloister, and are never heard to defend their cause, unless after they have returned to the monastery. Thus, from the Council of Trent, Session 25, chapter 49. From the Decrees of the Diocesan Synod, book 13, chapter 11, paragraph 15. Furthermore, it is not permitted for them, based on a falsely presumed necessity, to go outside the cloister without the written permission of their superiors; otherwise, they will be punished by the Ordinary of the place as apostates. From the Council of Trent, ibid., chapter

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11, paragraph 13. However, these things must be understood when the reason for seeking permission is not true, urgent, and of greater importance. Ibid., paragraph 14. It is forbidden for superiors of religious orders to grant their subjects the opportunity to pass to another religious order, unless it is clearly demonstrated to them that the other religious order is prepared to receive them; and so that the matter is arranged so that this passage from one religious order to another takes place properly. Thus, from the decree of the Holy Congregation, approved by Pope Urban VIII. Ibid., paragraph 14.

[*Latin ed. p. 440*]

This transition, even if it concerns a cleric who has left his order, cannot apply to a religious institute in which regular observance does not flourish; nor is it permissible, if that institute is military or a hospital, except for the Order of St. John of God. Thus, Benedict XIII decreed in his constitution, *Licet Sacra*. Ibid., n. 14. A cleric who does not live in a monastery, and who, having been absent without the permission of his superior, wanders about, even though he wears religious garments and intends to return, must be handed over to the local Bishop by whom he is imprisoned, and delivered to his regular superiors, to be punished according to the rule, as decreed by the Holy Congregation of the Council, confirmed by Urban VIII. Ibid. However, these things are true, unless it is established that this cleric has withdrawn himself from the excessive severity of his local superior, in order to appeal to a higher superior. Ibid. Unreformable clerics can be expelled from their order, whatever the Holy Congregation may have previously decreed to the contrary, as is affirmed by the new decrees of the same Congregation of the Council. Ibid., n. 16. A cleric is considered unreformable if he is marked by all the characteristics of impropriety, as defined by canon law. Furthermore, prior to expulsion, he must undergo six months of imprisonment in penance, and fasting, and then a sentence must be passed by the Provincial of the same province, after consulting six other religious from the same province, who are to be designated in the provincial congregation, and confirmed by the General Superior, to whom the power is reserved to reconsider the case and to revoke the previous sentence. Thus, according to the most recent decrees of the Holy Congregation of the Council. Ibid., n. 19. The procedures that are valid for carrying out proceedings regarding unreformability are those that are formed according to the rules and customs of such orders. Ibid. The sentence passed against the expelled cleric must be notified to the Ordinary Bishop of the place, not so that he may be informed of it, but because he is subject to his jurisdiction, and must obey his commands. Thus, according to the decrees of the Holy Congregation. Ibid., n. 20. Thus, the expelled cleric cannot wear the religious habit, but must use a clerical garment. Furthermore, he remains perpetually suspended from the exercise of the orders which he had un-

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dertaken in religion, and this penalty cannot be relaxed or mitigated by the Ordinaries. Thus, according to the decrees of the Holy Congregation. Ibid. If, however, it is established from the testimonial letters of the Ordinary, that...

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Those who perceive a clear hope of recovery, are then again to be received into the order. Thus, according to the decrees. Ibid. Finally, he who has been expelled, being bound in every way by the vow of chastity, remains subject to poverty, with some moderation, as well as to obedience to his regular superior, as is customary. However, the other vows which he pronounced at his profession remain suspended. Thus, according to the decrees. Ibid. If he wishes to appeal against an unjust sentence passed against him, he must present himself in the formal prisons of the religious order, as is stated in the decree of the Holy Congregation of the Council, issued on November 15, 1698. Ibid. n. 31. However, religious of the Society of Jesus, after having emitted three simple vows, and after a period of due probation, are not included in the decrees concerning apostates, and are not considered as expelled, as is stated in the response of the Holy Congregation of the Council. Ibid. n. 21. The vow of chastity emitted by them, while they remain in the order, invalidates marriage. These are only forbidden to celebrate marriage, because they lack property or benefice. Ibid. n. 25. However, they are capable of obtaining benefices and ecclesiastical offices. Ibid. n. 26. However, all of this applies to those who are dismissed before their solemn profession. After that profession has been made, they are considered and treated as regulars, in relation to those who are expelled. Ibid. The vows of chastity, etc., emitted by religious of the Cîteaux order, are considered solemn, not simple, as is stated in the special decree of the special Congregation of that order, held by Benedict XIV on March 21, 1747. Ibid. n. 28. If a religious is condemned to the galleys for some crime, whether he will be received back into the religious order after being absolved from that punishment, has not yet been decided by the Holy Congregation, although it has been consulted. However, this alone, the sentence of condemnation to the galleys, even if they have not yet returned, permanently declares them infamous, and therefore irregular. Ibid. n. 50. Regulars, whether or not exempt, who are working in the East Indies, exercising pastoral care, are subject to the prior examination, approval, as well as visitation, correction, and jurisdiction of the Ordinaries, in matters pertaining to the aforementioned pastoral care. Const. Quamvis ad confirmandum, etc. Those who are about to enter a religious order are not required to present dismissal letters from the Ordinaries of their own origin, but it is sufficient if they have received them from their superior.

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Conversely, they cannot use private...

[*Latin ed. p. 442*]

Any religious order may receive its members, unless it has obtained this privilege after the Council of Trent, and has received a direct concession for it, and not merely through the sharing of privileges from one order to another. If such an order does not have this privilege, it must obtain the orders from the Ordinary of the place where its members reside, if that Ordinary is to administer the sacred orders at the proper time. If, however, the Ordinary is not to administer the sacred orders, the order may direct its members to receive them from a superior regular, provided that they have a genuine certificate from the diocesan Bishop, from which it is clear that the Ordinary will not administer the orders. Those who transgress this rule, and receive orders from another, incur the censure of suspension. Superiors who grant such dispensations are punished with both active and passive censures. Thus, the Holy Father decreed in the bulla. However, if religious who are about to receive orders move to a monastery in another place, and after receiving the orders from the Bishop of that place, they return to their original monastery, it appears that they have done so fraudulently; nevertheless, nothing can be decreed against them, because the matter could have been done without fraud. Therefore, they should consult with their superiors. From the Synod of Trent, book 1, chapter 9, canon 47, paragraph 4. If superiors grant dispensations to their subjects to receive orders from any Ordinary, unless in the cases expressly mentioned above, they are deprived of the use of both active and passive censures, and of the dignity they possess. From the decree of Clement VIII, dated March 15, 1596. This decree is not worded in such a way, as in many editions, that penalties are incurred, but rather that penalties are incurred, which implies a severe penalty, and one that must be observed. From the *Institutiones Ecclesiasticae*, 23, paragraph 12. It seems that it must be affirmed, based on the authority of the Roman Congregation under Benedict XIII, Title 5, chapter 2, that religious who have a privilege granted after Trent, to be exempt from certain requirements, should enjoy that privilege, and that Bishops cannot, for that reason, refuse to administer the orders to them. Thus, from the decree of the Holy Congregation, dated August 24, 1686. From the Synod of Trent, book 9, chapter 16, paragraph 6. Religious who are exempt are also not permitted to expose the Sacrament of the Eucharist without a veil in their churches, unless for a public reason approved by the Ordinary. However, it is permissible for them to expose the Sacrament veiled in an open tabernacle; provided that it is not taken out of the tabernacle. Thus, from the decree of the Holy Congregation, from the Synod of

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Trent, book 9, chapter 13, paragraph 4.

[*Latin ed. p. 443*]

Generally speaking, it is the right of Bishops to compel religious orders to obey them concerning matters that pertain to the greater honor of this ineffable mystery and the celebration of the Mass. This is derived from the decree of the Council of Trent, session 22, concerning those things which are to be observed and avoided in the celebration of the Mass, book [number] chapter 5. Religious are bound to obey the Bishop who commands them not to expose an unusual image or a new relic in their churches, unless approved by him; and those who disobey may even be compelled by censures, as stated in the decree of the Holy Congregation, dated June 5, 1700, concerning diocesan synods, book 9, chapter 15, paragraph 5. Religious may be punished by the Bishop as if he were the delegate of the Apostolic See, if they have committed any fault concerning the enclosure of nuns, even those who are exempt, and of those who live within the monastery walls, book [number] chapter 6. Religious are not permitted to hear the confessions of laypersons without the license, grace, and approval of the Bishop, as the words of Extravagant Boniface VII, in chapter "Super cathedram, de sepulturis," state; and this was also confirmed by the Council of Trent, session 25, chapter 15, concerning reforms. However, it is permissible for Bishops to limit this faculty to a certain time, to certain persons, and even to revoke it; and Alexander VII, on January 30, 1659, condemned the contrary opinion, concerning diocesan synods, book 9, chapter 16, paragraph 7. However, religious who have been approved by the Bishop may be admitted to the homes of laypersons who are sick, to hear their confessions, without the permission of the parish priest of the sick; but after hearing the confessions of those sick persons, they must leave a written note to inform the parish priest. Thus, book [number] chapter 9. It is not permitted for superiors of religious orders to enter the monasteries of nuns who are subject to them, except once a year for the purpose of visitation; but if necessity requires them to enter more frequently, they may not do so except in the presence of the diocesan Bishop, or another ecclesiastic appointed by him. Thus, according to the constitution of Felix, Alexander VII, concerning diocesan synods, book 9, chapter 15, paragraph 6. It is forbidden for religious to speak to nuns, even those who are subject to them, without the express permission not only of the superior of the religious order, but also of the Bishop, so that they may not do so even for the space of a quarter of an hour, nor even on the occasion of an assembly held for those nuns, nor even for any reason whatsoever that is honest and pious. Ibid., paragraph 7. Religious are subject to the jurisdiction of the Bishop if

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they receive...

[*Latin ed. p. 444*]

Confessions of secular individuals cannot be heard without the prior approval of the Bishop, as stated in Constitution 10 of Clement X. Furthermore, they are not permitted to hear the confessions of nuns of their own order, even those exempt, without the consent and approval of the Bishop, according to the force of the Bull 18 of Gregory XV. Regular canons are forbidden from erecting new monasteries or houses without the authority of the Apostolic See and the Bishop, although Session 25, chapter 3, of the Council of Trent seems to express only the Bishop's authority. Regarding diocesan synods, book 1, chapter 9, paragraph 1, number 9. However, for nuns under the jurisdiction of the King of Spain, there is a suspension of this constitution in the Brief of Urban VIII, but it is not valid outside of Spain. In book 1, chapter 9, paragraph 13, number 9, priests who are devoted to the service of the Church or diocese may, even without the invitation of their own Bishop, transition to the regular state; nevertheless, unless something prevents it, they are obligated to consult with him. Thus, in the Letter to Cardinal Quirin, "From which you are chosen." Regular canons living outside of a monastery, and regular clerics, exempt in any way, in civil causes concerning wages and the poor, are ordered by the Pope in the Bull "Ad Militantes" to be brought before the local ordinaries as a first instance, unless they have a certain judge appointed by the Holy See.

RESERVED CASES. The reservation of cases pertains solely to the Roman Pontiff, Bishops, and lower prelates who have jurisdiction, as if they were bishops, with a separate territory, according to the teaching of the Council of Trent and the decisions of the Holy Congregation. In book 3, chapter 4, paragraph 2 of the "De Syn. dioec." it is stated that, although a reservation can be made outside of the synod, many things suggest that it should rather be done within the synod; especially because it is not uncommon for theologians, holding the opinions of Roncaglia, to claim that laws promulgated by the Bishop outside of the synod cease to be in effect, if the Bishop is absent, since only those things that are done in the synod obtain the full authority of law from the Bishop. Ibid., paragraph 3. The Supreme Pontiff and the Bishops have never considered purely internal acts to be reserved for themselves. Ibid., chapter 3, paragraph 3. Regular canons are not only forbidden from reserving other crimes than those defined in the decree of Clement VIII, but they are also not permitted to subject other crimes, different from these, to the censure of reservation.

[*Latin ed. p. 445*]

Furthermore, the Pontiff confirms this by a decree of the Sacred Congregation of Bishops and Regular Canons. Ibid., chapter 5, paragraph 6.

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RESIDENCE. Bishops and parish priests are bound to reside, as stated by the Council of Trent, session 6, chapter 1, concerning reforms, and session 25, chapter 1. Therefore, if they do not reside, they are not to collect their revenues, as stated in constitution 91 of Pius IV. From this same constitution, it is also clear that if they do not reside at the time of their death, they cannot dispose of ecclesiastical revenues, even if they had the power to make a will. Ecclesiastical Institutions, 17, paragraphs 4 and 5. Bishops, upon a just and reasonable request, may be permitted to be absent from their diocese for one or two months each year; parish priests, however, may be absent for two months, but only with the permission of the Bishop, and with a suitable vicar left in charge, approved by the Ordinary, as stated in Trent, session 25, chapter 1, concerning reforms. Ibid., paragraph 7. They cannot be absent for even a week without the permission of the Bishop, nor is tacit permission sufficient. Finally, it is not sufficient to avoid penalties if the reason for the absence is obvious, and the Bishop is not consulted, or if, after being consulted, he refuses permission; although in such a case, an appeal may be made to the proper tribunals. However, if it is necessary to leave unexpectedly, then after leaving, a written notification must be sent to the Ordinary. Thus, according to the decree of the Sacred Congregation. Ibid., paragraph 11. For parish priests in rural areas, the permission of the vicarius foraneus [vicariate forane] is sufficient for a short period of absence. Thus, according to the decree of the Sacred Congregation, paragraph 12. If the absence is for two or three days, excluding holidays, the customs of the particular diocese must be followed. Thus, according to the Doctors of Canon Law. Ibid. The inclementness of the weather is not sufficient to excuse non-residence. However, if a parish priest is ill and cannot be treated there due to a lack of doctors, he may obtain permission from the Ordinary to leave for nearby places for up to four months, with a suitable vicar acting as a substitute in the meantime, as stated in the decrees of the Sacred Congregation. Ibid., paragraph 25. They are not excused for being absent simply because the parish is only three or four miles from the city. Nor are they excused if they reside there at night, and after celebrating Mass early in the morning, they spend the rest of the time in the city.

[*Latin ed. p. 446*]

Having left a suitable substitute, and that substitute diligently performing his duties for the greater part of the year. Thus, from the decree of the Sacred Congregation of the Council, ibid., no. 48. RESTITUTION. Immovable property unjustly seized by enemies in war, such as by pirates, infidels, heretics, etc., if purchased by the faithful, ought to be restored to its rightful owner, without any price being demanded from him; which decree was formerly issued by the Congregation for the Propagation of the Faith in the year 1650, whose opinion Pope Benedict XIV approves in his letter to Father Nicholas Lercari, secretary of the same Congregation. As for

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movable property, the same Congregation judged that it should be restored by the purchasers to the rightful owner, but with the price being paid to him at which it was purchased; in this matter, however, Pope Benedict XIV does not express his judgment. Ibid. ACCUSED. An accused person, legally questioned in a criminal trial, is bound to manifest the truth, as indicated by the Pope in his Bull *Paterna Charitas*. SACRAMENT. A judgment asserting that, in the administration of the sacraments, it is not required in the minister to have any intention of doing whatever the Church does, but only to perform the external rite, is not to be condemned by bishops. From the decrees of the diocesan synod, book 7, chapter 4, no. 9. But the opposite is safer, and should always be observed in practice. Therefore, if such a thing should happen, and necessity arises, the sacrament of baptism thus conferred should be perfected under a condition to be fulfilled later. If the matter is of such a nature that it allows for delay, the Apostolic See should be consulted. Ibid. SEMINARY. The Bishop is obliged to consult with two members of the chapter, one chosen by the Bishop and the other by the chapter, as well as with two members of the clergy of the city, one of whose election pertains to the clergy, all of which are stipulated in chapter 18, session 23, concerning reforms.

[*Latin ed. p. 447*]

Of Trent. He ought to employ all these appointed individuals in the administration of the seminary; just as they ought to be employed concerning the institution and discipline of the same seminary; although the Bishop ought to heed their counsel in all these matters, without being obliged to follow it. From the *Synodus*, book 8, chapter 11, paragraph 4. From several decrees of the Sacred Congregation. BURIAL PLACES. Burial places can be maintained in churches of confraternities, but with the permission of the Bishop, as has often been decided by the Sacred Congregation for the Instruction of the Clergy, 105, paragraph 124. If a confrater dies without having designated a burial place, he cannot be ordered to be buried in the church of the same confraternity, as has been decided by the Sacred Congregation. Ibid., paragraph 124. SIMONY. In cases of simony contracted for the acquisition of a benefice, the major penitentiary is warned, even in hidden cases, and in the forum of conscience, not to validate the title of that benefice, unless it is clearly demonstrated that simony was committed through ignorance of the fact or of the law, and the petitioner, as soon as he becomes aware of this, requests a dispensation; this also applies to pensions, in which real simony has been knowingly contracted. From the Bull *Pastor bonus*. He must also abstain from condoning the price of simony, when it ought to be paid to a damaged church or to the poor, unless poverty on the part of the delinquent suggests otherwise. Ibid., § 23. He who has intervened in simony for another in order to obtain a benefice, is bound to restore to the Church, or to the poor, the fruits improperly

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received by the beneficiary, before any sentence is passed. *Inst. Eccles.* 12, paragraph 11. If anyone requests absolution from the Sacred Congregation for simony committed in obtaining a benefice, he usually obtains a rescript, in which he is dismissed, warned, and ordered to restore; that is, he is to relinquish the benefice, is warned regarding the restitution of the price received, and is ordered to restore the fruits received to the Church or to the poor. Ibid., paragraph 12. If, however, simony was committed by a third party, unknown to the beneficiary, then a rescript is issued for the validation of the title, provided that it was done before possession; this is valid as if it were said, namely,

[*Latin ed. p. 448*]

He will not know this before accepting possession of the benefice. Ibid. n. 12. When the parishioners have the right to nominate a parish priest by reason of the foundation, then each individual, whether men, women, or minors, has the right to nominate, as is affirmed by Piton in *De controversiis patronorum*, book 1, chapter 100, paragraph 394. Ibid. n. 13. Commendations, priories, and preceptories of the Order of Jerusalem are considered by Canonists to be benefices; and if prayers, pacts, and gifts intervene in these, simony is committed. However, this is denied by the common consensus of theologians, noting that these are not attached to the exercise of spiritual ministry, nor are they necessarily conferred upon clerics, which two things are required for benefices. Although it cannot be denied that a grave abuse exists in this matter, which Clement XI sought to remove in his Brief addressed to the Grand Master of that Order, in which he also declared these collations to be null and void, and to be so forever. Concerning the Diocesan Synods, book 1, chapter 12, paragraph 3, paragraph 15. SOLICITATION IN CONFESSIONS. No one is prohibited by any law from secretly warning the person being solicited, before the solicitation is made, so that he may provide for himself by spontaneously offering himself to the tribunal. However, he is bound to denounce him, even if warned, and if he has been reformed through correction, as is deduced from propositions condemned by Alexander VII. Concerning the Diocesan Synods, book 1, chapter 6, chapter 11, paragraphs 9 and 10. The precept of denouncing confessors who solicit for immoral acts, and the other penalties imposed for this solicitation, do not extend to other crimes different from those pertaining to the matter of El-Kef. Ibid. n. 14. All priests, even those who are regular, who solicit for immoral acts in the matter of El-Kef, either during confession or on its occasion or pretext, in addition to the other penalties imposed in the constitutions of Sixtus V and Gregory XV, also incur perpetual incapacity to celebrate Mass. The same also applies to those priests who abuse the sacrifice of Mass for divination. Thus, from a decree of the Holy Congregation of the Inquisition, by order of Benedict XIV. This decree must be publicly announced by superiors of any order, openly once

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a year on the Saturday after the octave of the Assumption of the Blessed Virgin Mary, and in any general or provincial chapter. Ibid. Appendix to the Bull of Benedict XIV.

[*Latin ed. p. 449*]

SPECTACLES. Unchaste spectacles, such as the running, wrestling, and other games of naked boys and young men, even if introduced by long custom, are not to be permitted by Bishops, and are to be prohibited by law, the Pontiff commands in the Encyclical addressed to the Bishops of Chalastra.

MARRIAGES. If either of the betrothed should move to other parts without the knowledge of the other, the ecclesiastical superior is to be notified, who shall assign a suitable time for the absent party to return; if, after this time has elapsed, he does not comply, the bond is dissolved. *Instit. Eccl. 46, n. 5.*

The Holy Congregation has always declared that marriages begun in the future, without the presence of a priest, or without a written agreement, are never valid, although the Council of Trent only abolished clandestine marriages. However, prior betrothals, even if not sworn, even without consummation, are valid against subsequent betrothals, even if sworn, and even with consummation, as is clear from the common decrees. *Instit. Eccles. 46, n. 8.*

Betrothals entered into against the will of the parents, although they may be judged valid, are nevertheless illicit, and can be dissolved upon the discovery of the parents' dissent, even if they have been sworn, which is strongly demonstrated by the Archbishop of Rossano, Monsignor Muscettola, in the dissertation to be read in Volume I of the works of Zauli, concerning the statutes of Faenza. *Ibid. n. 8.*

Betrothals entered into without the internal will to fulfill the promises are doubtful as to whether they are binding; however, it is a grave sin to make such a promise. *Ibid. n. 16.*

Kisses, given for carnal and sensual pleasure, according to the terms of proposition 40 among the condemned propositions by Alexander VII, are not permitted between betrothed, due to the equality of reason. *Ibid. n. 18.*

The betrothed man who seduced the betrothed woman into consummation cannot be punished with the penalty for rape, because of some right he has over her body, as stated in the decree of the Holy Congregation, cited by Fagius. *Ibid. n. 19.*

A promise made in the present, without the presence of a priest and witnesses, is neither valid as a marriage, nor as a betrothal, as is clear from

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numerous decrees of the Holy Congregation. *Ibid. n. 22.*

[*Latin ed. p. 450*]

SYNOD. A diocesan synod is not necessarily transmitted to the Sacred Congregation of Councils, so that it may be recognized, amended, and approved by that body. De Synod. diœces. l. 13. c. 3. n. 6. For the Sixtine Constitution, which might seem to apply to this matter, does not state anything about it, except with regard to provincial councils. Synodal constitutions begin to bind the subjects immediately upon their promulgation, without waiting two months, as is stated concerning imperial laws. L. Leges sacratissimæ. C. de leg. et rub. novel. 66. And some doctors assert that pontifical laws are also subject to this, although others more commonly deny it; for nothing is stated about laws promulgated by inferior authorities in this regard, as several decrees of the Popes indicate. De Syn. diœc. l. 13. c. 4. n. 2. Regular canons are also subject to synodal laws in matters concerning the care of souls and the administration of the sacraments, according to the 25th session of the Council of Trent, chapter 41, concerning regular canons, although this is not the case in other matters; nevertheless, they ought to conform to these laws in order to avoid any irregularity, although they should not neglect them under penalty, as Suaro notes. However, the Pope believes that, contrary to some canons, although they are bound by diocesan feasts according to the 25th session of the Council of Trent, chapter 12, concerning regular canons, they are not bound by fasts instituted by the Bishop, unless some other custom has prevailed in certain monasteries. De Syn. diœc. l. 13. c. 4. n. 5. et 6. TOBACCO. The Pope does not consider it necessary to forbid, nor does he judge it proper to prohibit, the use of tobacco by inhaling it through the nose, or by drawing the smoke into the mouth, before the celebration of Mass, or before receiving Holy Communion, since, given the accepted and widespread custom, there is nothing dishonest or indecent in such practices. De Syn. diœc. lib. 41. c. 13. n. 5. TERT IARY ORDERS. Women belonging to the Third Order who do not live in community cannot receive the habit of their order without the permission of the diocesan Bishop, to whom they must properly demonstrate that they possess the necessary qualifications.

[*Latin ed. p. 451*]

Concerning matters brought before the Apostolic See, those women must be of proven morals, must be over the age of fourteen years, must possess only such annual income as is sufficient for their sustenance, and finally, they must not cohabit with anyone other than those who are joined to them by the necessary bonds of consanguinity or affinity, up to the first degree, as stated in the decree of the Holy Congregation in the Nazariensis case, on May 10, 1727. Concerning the diocesan synods, book 9, chapter 15, paragraph 11. Tertiary women living in community, although bound

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by solemn vows, and not subject to enclosure, are tolerated rather than approved by the Holy Congregation, contrary to the bull of Pope Pius V; however, they are in all respects subject to the jurisdiction of the Bishop, as evidenced by numerous decrees of the Holy Congregation. Church Law, 29, paragraph 13. Tertiary women not living in community cannot have any confessor of their own order, unless approved by the Bishop for the confessions of secular individuals. Furthermore, regular priests cannot administer the Sacrament of the Eucharist to them on Easter Day. The bodies of the deceased must be buried in the parish church, unless a burial place has been designated for them in the church of their own religious order. Church Law, 19, paragraph 14. Pope Benedict XIII granted many concessions to Tertiary women, whether they live in a communal monastery or lead a private life at home; these concessions appeared to establish a new law; however, when Pope Clement XII, in his Constitution Romanus of the year 1732, revoked the rights of the Tertiary women to the limits established by the Council of Trent and the apostolic decrees, therefore, nothing new can be established concerning them. Book, paragraph 16. Tertiary women living in community, according to the received opinion of the Holy Congregation, enjoy the privilege of immunity from the secular court. Conversely, Tertiary women living in private homes do not enjoy the same privilege, as defined by the authorities. Church Law, 105, paragraph 68. TESTAMENTS. A will made before a parish priest and at least two suitable witnesses is valid for all ecclesiastical purposes, unless some municipal statute prevents it, according to the disposition in chapter Cum esses, 10, concerning wills. Wills are valid for pious causes throughout the Catholic world if made before two witnesses, according to chapter Relatum, 14, concerning wills. Church Law, 105.

[*Latin ed. p. 452*]

SYNOD. A diocesan synod is not necessarily transmitted to the Sacred Congregation of Councils, so that it may be examined, amended, and approved by that body. *De Synod. diœces. 1. 13. c. 3. n. 6.* For the Sixtine Constitution, which might seem to apply to this matter, does not state anything about it in this regard, except concerning provincial councils. Synodal constitutions begin to bind the subjects immediately upon their promulgation, and the interval of two months need not be observed, as is stated concerning imperial laws. *L. Leges sacratissimæ. C. de leg. et reb. novel. 66.* And some doctors assert, while others more commonly deny, that pontifical laws are subject to this rule; however, nothing is stated about laws promulgated by inferior authorities in this regard. *De Syn. diœc. 1. 13. c. 4. n. 2.* Regular canons are also subject to synodal laws in matters concerning the care of souls and the administration of the sacraments, according to the 25th session of the Council of Trent, chapter 41, concerning regular

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canons, although this is not the case in other matters; nevertheless, they ought to conform to these laws in order to avoid any irregularity, although they should not neglect them under penalty, as noted by Suaro. However, the Pontiff holds that, contrary to some regular canons, although they are bound to observe diocesan feasts according to the 25th session of the Council of Trent, chapter 12, concerning regular canons, they are not bound to observe fasts instituted by the Bishop, unless some other custom has prevailed in certain monasteries. *De Syn. diœc. 1. 13. c. 4. n. 5. et 6.*

TOBACCO. The Pontiff does not consider it necessary to forbid, nor does he judge it proper to prohibit, the use of tobacco by inhaling it through the nose, or by drawing the smoke of it into the mouth, before the celebration of Mass, or before receiving Holy Communion, since, given the custom that has been received and made widespread, there is nothing dishonest or indecent in such a practice. *De Syn. diœc. lib. 41. c. 13. n. 5.*

TERTIARY ORDERS. Tertiary women who do not live in community cannot receive the habit of their order without the permission of the diocesan Bishop, to whom they must duly prove that they possess the qualifications for this privilege.

[*Latin ed. p. 453*]

Concerning the Sedis apostolicæ, those women must be of proven morals, must be over the age of fourteen, must possess only such an amount of annual income as is sufficient for their sustenance, and finally, they must not reside with others, except with those who are joined to them by the necessary bonds of the first degree of consanguinity or affinity, as stated in the decree of the Sacred Congregation in the Nazariensis case, dated May 10, 1727, in *De Syn. diæc.*, book 9, chapter 15, paragraph 41. Tertiary women living in community, though bound by solemn vows, but not subject to enclosure, are tolerated rather than approved of, contrary to the bull of Pope Pius VIII; nevertheless, they are in all respects subject to the jurisdiction of the Bishop, as evidenced by numerous decrees of the Sacred Congregation, *Instit. Eccles.*, 29, paragraph 13. Tertiary women not living in community cannot have any confessor of their own order, unless approved by the Bishop for the confessions of secular individuals. Furthermore, regular priests cannot administer the Sacrament of the Eucharist to them on the feast of Easter. The bodies of the deceased must be entrusted to the parish church for burial, unless a burial place has been designated for them in the church of their own religious order. *Instit. Eccl.*, 19, paragraph 14. Pope Benedict XIII granted many concessions to Tertiary women, whether they live in a communal monastery or lead a private life at home, which concessions appeared to establish a new right; however, when Pope Clement XII, in his Constitution *Romanus* of the year 1732, revoked the rights of the Tertiary women to the limits established by the Council of Trent and the apostolic decrees, therefore, nothing new

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can be established concerning them. *Ib.*, paragraph 16. Tertiary women living in community, according to the received opinion of the Sacred Congregation, enjoy the benefit of immunity from the jurisdiction of secular courts. Conversely, Tertiary women living in private homes do not enjoy the same privilege, as defined by the authorities. *Instit. Eccles.*, 103, paragraph 68.

TESTAMENTS. A will made before a parish priest and at least two suitable witnesses is valid for all ecclesiastical purposes, unless some municipal statute prevents it, according to the disposition of chapter *Cum esses* 10, concerning wills. Wills are valid for pious causes throughout the Catholic world if made before two witnesses, according to chapter *Relatum* 11, concerning wills. *Instit. Eccl.*, 103.

[*Latin ed. p. 454*]

Concerning the disposition of the will: It is not sufficient if there are only two or three witnesses, and it is essential that the parish priest be present, since the canon requires that it be done before the priest. Nor is it sufficient if the absence of the parish priest is supplied by a chaplain; nor if the presence of the ordinary confessor is given. Finally, male witnesses are required, and female witnesses are not valid. Finally, a will is valid even if the testator is not in extreme danger of death. Ibid. nos. 8, 9, and 10. Wills must be written by the parish priest in the presence of witnesses, and signed by the testator, as well as by the parish priest and the witnesses. However, if they are unable to write, the writing of the parish priest is sufficient, and the sign of the cross imprinted on the paper by the witnesses is also sufficient. Ibid. no. 14. Thus written, the will must be presented by the parish priest, along with the witnesses, to the notary within eight days; and if the signatures of the testator and the witnesses are present, it is not necessary to refer to all the contents of the will to the notary. If there is no signature of the testator, then the parish priest or the priest must, in a clear voice, express everything that is contained in the will; and this must be done separately by each witness. Finally, each of them must acknowledge their own signature. Ibid. no. 16. All of these depositions must be written down by the notary, and attached to the will. In order to ensure that what is mandated in the will is observed, a discussion of the parish priest and the witnesses must be held by the competent judge, with the parties present, whose interests are at stake, except for the custom that wills are valid without any publication, if they are deposited in the Archive. Ibid. no. 16. SACRED VESSELS. Sacred vessels, while actually containing the Body and Blood of Christ, may only be touched by the priest and the deacon. Subdeacons are permitted to touch the chalice and paten while the Body and Blood of Christ are not contained therein. Acolytes are permitted to touch these vessels, but outside of the altar service, which also extends to all those who have been initiated with the first Tonsure. All of these things

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are from the theologians. Instit. Eccles. 54, no. 18.

[*Latin ed. p. 455*]

SALE. Clergy who hold benefices are forbidden in a single act to sell the right, or the benefit, of receiving the fruits of the benefice as long as they live, or for a long time, receiving the sum of money agreed upon between the parties, whether that sum is paid all at once, or in several installments. This is forbidden under the penalty of excommunication and other penalties imposed on those who alienate ecclesiastical property, and all such contracts are declared invalid by the Pontiff for the future. *Constit. Universalis Ecclesiæ.* In a contract of sale and purchase, if a pact is made whereby the seller is obligated, by virtue of that same pact, to pay more than he received in the sale, if he wishes to redeem the sold item at any time, the contract is unjust. *De Syn. diæc. lib. 10. c. 8. n. 4.* If a sale is made with a pact of redemption within a certain time, after which there is no longer any place for retrocession; this contract implies usury, because it seems to take on the nature of a pledge. *Ibid.*

VIATICUM. To a sick person who is unable to take the Viaticum, it is not permitted to bring the sacred particle to them to venerate and kiss it, which was forbidden by St. Pius V and the Sacred Congregation of Councils. *De sacrif. miss. Lib. 3. cap. 19. n. 4.* To a dying person who is unable to swallow, the Eucharist cannot be administered under the species of wine, nor under the species of bread dipped in consecrated wine, but he must, in all cases, be left without the sacred communion, since the precept of the Viaticum is not obligatory unless it can be administered according to a rite not prohibited by the Church; this rite, however, is entirely prohibited by the Latin Church. *Ibid. n. 6.* Conversely, it is permissible to administer it under the species of bread moistened with wine or water that is not consecrated, so that it may be more easily swallowed. *Ibid.*

[*Latin ed. p. 456*]

VICAR CAPITULAR. When the entire diocese is vacant, the jurisdiction of the Bishop devolves to the cathedral chapter, as stated in chapters His, quæ, and cap. Cum olim, concerning majority and obedience, and indeed, it could exercise this authority by itself, were it not for the new law of the Council of Trent, session 24, chapter 16, concerning reforms, which mandates that within eight days after the induction, or, as decided by the Holy Congregation, after notification of the vacancy, a Vicar must be appointed to exercise this authority. If this is neglected, or if the vacant diocese lacks a chapter, then it pertains to the Metropolitan; or, if no Metropolitan exists, to the nearest Bishop. If, however, the Metropolitan is also vacant, this right passes to the chapter of the Metropolitan see. All of these matters are derived from the decisions of the Holy Congregation, found in book 2, chapter 9, number 2, concerning diocesan synods. Furthermore, the an-

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cient custom of certain churches, that the administration of a vacant church should pass to someone established in ecclesiastical dignity, is to be maintained, as stated in the Rotuli. Dispensations granted by the Apostolic See to the Bishop, or to his general vicar, and which have not yet been put into effect before the Bishop's death, may not be executed by the capitular vicar, because he is neither the Bishop nor the vicar of the Bishop. Ibid., number 3. Once chosen by the chapter, the vicar cannot be removed, unless for a reason recognized by the Holy Congregation, as is reported. Ibid., number 4. Whether the capitular vicar can perform those duties which can only be performed by the episcopal vicar with a special mandate, is disputed by the Doctors on both sides. Ibid. When an apostolic vicar is appointed to a vacant diocese, he has no other authority than that which capitular vicars obtain on occasion. Concerning diocesan synods, book 1, book 2, chapter 10. DIOCESAN VISITATIONS, AND SACRAMENTAL REQUIREMENTS REGARDING BISHOPS. The Bishop is not prohibited from visiting his diocese twice each year, but he may only do so once per year.

[*Latin ed. p. 457*]

Each one can demand the payment, as decreed by several Decrees of the Holy Congregation. From the Decrees of the Diocesan Synods, book 10, chapter 10, paragraph 6. The Vicar Capitular can visit the diocese after one year has passed since the visit made by the Bishop, as has been decided by several Decrees of the Holy Congregation. Ibid., book 1, chapter 9, paragraph 5. However, only half of the payment, which is paid to the Bishop, is to be returned to him, since he must travel with a smaller retinue, as is evident from the resolution of the Holy Congregation in Ostuni on July 28, 1708. Ibid., book 10, chapter 10, paragraph 6. All Bishops, by virtue of the Constitution issued by Pope Sixtus V, before they are consecrated, if they are in Rome, swear in the hands of the first Cardinal Deacon of the Holy Roman Church; outside of Rome, they swear in the hands of the Antistite delegated for this purpose, according to the prescribed formula, that they will, at fixed times, visit the thresholds of the Apostles, either in person, or, if legitimately hindered, by someone from their chapter, or by another person constituted in an ecclesiastical dignity, or endowed with a benefice; and if these are absent, by some secular or regular diocesan priest. Then they are obliged to render an account to the Roman Pontiff of the pastoral office fulfilled, and of all things pertaining to their diocese. The Sacred Congregation of the Council is ordered to examine the matters, so that it may discuss the requests of these Bishops, and give them answers, and also to ascertain whether they are legitimately hindered. From the Decrees of the Diocesan Synods, book 13, chapter 6, paragraph 11. The time within which this visit must be made is defined more extensively for some, and more briefly for others, but not less than three years, nor more than four years. Ibid., paragraph 5. Furthermore, if the Bishop has

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a coadjutor appointed by the Apostolic See, it is sufficient if the coadjutor visits in the name of the Bishop; likewise, it is sufficient if an administrator of the diocese is sent, who must visit the thresholds in his own name and in the name of the principal. As has been decided by the Holy Congregation. Ibid., paragraph 5. This must also be done by the titular Bishop, as is proven by Fagnano and others, ibid., paragraph 5. Finally, Bishops of the suburbicarian Churches are not exempt, although they are exempt from residence. Thus, according to the decree of Pope Alexander VII. Ibid., paragraph 6. Finally, lesser prelates who properly have a territory truly separate, in which they are independent of anyone,

[*Latin ed. p. 458*]

The Bishop exercises spiritual jurisdiction, and is therefore bound to undertake this visitation, as is clear from the responses of the Holy Congregation and from the Bull *Quod sancta*, dated November 23rd of the year 1740, by Pope Benedict XIV. On the other hand, inferior prelates, who do not have a separate territory, are not bound by this, as is sufficiently clear. Ibid., n. 9. VOW. Simple vows of chastity and religion, and concerning dispensations regarding sacred pilgrimages, can be altered by the Major Penitentiary of Rome. Bull *Pastor bonus*. USURY. Usury is that sin, when something beyond the principal is demanded as profit by reason of a loan. Nor is this free from fault, even if the profit demanded is moderate. However, by reason of certain titles, which we call extrinsic, that are included in the loan contract, an annual return can be demanded, but care must be taken that nothing excessive is taken. As also, not always are the same titles present in the loan contract. Indeed, it sometimes happens, in certain circumstances, that no other just contract can take place, and there is an obligation to help the other by a simple loan. The Pope commands that this doctrine be openly taught by all, and furthermore warns that, if at any time, in making a loan, other legitimate titles are present for demanding an annual profit, they must be explained in the celebration of the loan contract. All of this is explained more fully in the Encyclical *Ad Episcopos Italiæ Vix pervenit*, etc. END OF VOLUME NINTH.

[*Latin ed. p. 461*]

THE MORAL THEOLOGY of Saint Alphonsus de Liguori, FOUNDER of the Congregation of the Most Holy Redeemer and formerly Bishop of Saint Agatha. Included are: 1. A Dissertation by Father Zacharias on Saint Alphonsus' Moral Theology. 2. A Handbook for Confessors for properly receiving confessions. 3. An Examination for those to be Ordained. 4. A Summary of Moral and Canonical Doctrine from the works of Benedict XIV. 5. Decrees of the Roman Pontiffs and condemned propositions. 6. Appendix I. On the Privileges, namely, of Bishops, Clergy, and Religious. 7. Appendix II. On the prohibition of harmful

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books. 8. A List of questions revised by the Author. 9. Index I. Of Authors cited in this Work. 10. Index II. Of Chapters and doubts. 11. Index III. Of notable matters contained throughout the entire Work. NEWEST EDITION, THE MOST ACCURATE OF ALL, COMPARED WITH THE VENETIAN, ROMAN, AND BASSANESE EDITIONS, AND CONTAINING EVERYTHING WHICH THE AUTHOR HAS ADDED, REVISED, OR EXPLAINED ELSEWHERE. Many things omitted in other Editions have been restored, countless citations corrected, many printing errors corrected, and necessary annotations added, by Father Michael Heilig, of the Congregation of the Most Holy Redeemer, Priest and Professor of Moral Theology. VOLUME TENTH, CONTAINING DECREES OF THE PONTIFFS, APPENDICES, A LIST OF REVISED QUESTIONS, A GENERAL INDEX OF MATTERS, AND A LIST OF AUTHORS WHO ARE CITED THROUGHOUT THE ENTIRE WORK. MECHLIN. By P. J. Hanicq, Printer to the Most Holy Pope, the Sacred Congregation for the Propagation of the Faith, and the Archbishop of Mechlin. SYLVAEDUCE. At the Brothers Verhoeven, Booksellers. 1846.

[*Latin ed. p. 463*]

ON THE DECREES OF THE ROMAN PONTIFFS AND THEIR APPLICATION IN MORAL THEOLOGY. PART FIRST. IF... The Canons of the Pontifical Decrees are to be observed. Those who teach Moral Theology must above all be careful not to teach anything that contradicts the decrees of the Roman Pontiffs; and those, on the other hand, who are engaged in the same faculty, must diligently examine those very decrees, lest theologians, who published their writings before those sanctions were issued, be led into error by their authority. Moreover, there are many decrees, and I believe that he who deserves the highest merit in Moral Theology is he who would reduce them to more classes, corresponding to the various treatises of this vast science, according to the norm of Canon Law. Principal [reference to Volume X].

[*Latin ed. p. 464*]

However, in the most recent editions of the works of moral theologians, such as those of La Croix, Tamburini, Bonacina, and Viva, which were published by the Remondini printing house, you will find that certain laws must be observed when using these decrees. Many of these can be found, which we will present below. In the meantime, consider these: Canon I. It must be determined whether the decrees cited are genuine. Otherwise, you will achieve nothing with false papal decrees, even those dating back to Siricius, which all critics reject. Canon II. Be careful not to apply a precept that was merely a matter of discipline to resolving moral questions. For what was once prohibited by discipline can easily be reduced to a mere law of counsel. Thus, Nicholas I, in his response to the Bulgarians, chapter

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9, stated that during Lent, spouses should abstain from all pleasures, and in order to devote themselves to prayer, they should practice chastity of mind and body; but who would now argue that it is not permissible for a couple to engage in marital relations during Lent? See Benedict XIV, *De Synodo Diocesana*, book 5, chapter 1, paragraph 8. Canon III. In those questions in which the value of something is at stake, such as marriage, it is pointless to cite papal decrees that merely declare something to be illicit. Thus, if the validity of a clandestine marriage is being questioned, it would be incorrect to cite the decree of Siricius in his letter to Himerius, chapter 4, which states that marriages intended to be blessed by a priestly blessing are to be considered valid; for, lest we say that the promise of marriage was invalid without a priestly blessing, the Pope merely imposed a precept that rendered invalid not valid marriages without a priestly blessing. Compare Benedict XIV, *De Synodo Diocesana*, book 8, chapter 12, paragraph 5. Canon IV. A papal decree that permits something in general is not nullified by subsequent decrees that limit it in certain specific cases. For example, Innocent III, in chapter 9 of *A Nobis*, concerning clerics and women, states: "Although we do not permit clerics to keep women in their homes, except perhaps in the case of those women in whom natural affection allows no suspicion of grave wrongdoing." In contrast, the Council of Nannetens, of uncertain date, the constitution of which was included in the collection of the Decretals of Gregory IX, excludes even mothers, aunts, and sisters from the homes of clerics, provided that this applies to those whose morals are corrupt, and to any woman.

[*Latin ed. p. 465*]

It is entirely the custom of women to be suspect. And, as Benedict XIV rightly points out in *De Synodo Diocesana*, book 4, chapter 4, number 7, Innocent III established a universal rule to be commonly observed; but the decree of Nante, approved by Gregory IX, establishes a limitation to that rule, to be applied only in certain specific circumstances. Canon V: The words of a Pontiff permitting something may not be interpreted in a way that is contrary to Catholic dogma, nor in a sense alien from the obvious meaning of the words in which that decree was issued. Those who sin against this canon are those who interpret the words of Innocent I in his letter to Decentius: "That [sacred oil] which is prepared by the Bishop may be used not only by priests, but also by all Christians, in their own or in the necessity of others, for anointing," in such a way that they claim that Innocent designated all Christians as ministers of Extreme Unction. Furthermore, as Maldonato and others cited by Benedict XIV in *De Synodo Diocesana*, book 8, chapter 4, number 3, have said, it is most likely that Innocent spoke of an anointing that is passive, that is, of the reception of the sacrament, when there were those who believed that only priests, who prepare the sacred oil, could be anointed with it. Certainly, the very word

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"uti" indicates this. Canon VI: If a Pontiff grants something that he had previously denied, the meaning of what is permitted by that subsequent grant is best understood in light of the prior denial. Hence, when St. Gregory the Great in book 4, letter 26, grants to the presbyters of Calaritanus the faculty of anointing baptized infants on the forehead, which he had denied to them in letter 9, it is clear from letter 26 that he spoke of the anointing of confirmation, since it is manifest that that anointing had previously been denied to them by the Pontiff. See Benedict XIV, *De Synodo Diocesana*, book 7, chapter 7, number 5. Canon VII: The universal abrogation of privileges by a Pontiff does not prevent those privileges from being granted again by another Pontiff, or even by the same Pontiff. Hence, although, by the common testimony of the writings, after the Constitution *Sanctissimus in Christo* of St. Pius V, it is not permitted to celebrate Mass anywhere on the eve of the Nativity before midnight, even if in some churches it had previously been allowed because of prior privileges, that custom still licitly persists in some churches of Venice, either because of other privileges.

[*Latin ed. p. 466*]

In subsequent times, [certain privileges] are granted, or are confirmed because of the confirmation of ancient privileges. See Benedict XIV, *De Synodo Diocesana*, Book 1, chapter 6, section 8, number 9, Canon VIII. In pontifical constitutions, which prescribe something to be done, it must be noted first who they affect, and then what reasons led the Pope to prescribe that thing.

Corollary I. From the decree of Innocent III, in which it is strictly prohibited to priests established in Constantinople to confer confirmation, it is wrongly inferred that a confirmation conferred by Greek priests is invalid and illicit. For Innocent speaks expressly of Latin priests. See Benedict XIV, *De Synodo Diocesana*, Book 1, chapter 7, section 9, number 3.

Corollary II. It is also wrongly inferred from the constitution of Nicholas I, which ordered that Bulgarians consecrated by priests should be confirmed again, that it is not permitted for Greek priests to confer the sacrament of confirmation. For Nicholas was led to this by entirely different reasons than those that would prohibit all Greek priests from doing so. Indeed, as stated in the aforementioned passage by Benedict XIV, the Bulgarians had received confirmation from priests who, influenced by the error of Photius, had conferred it lawfully, believing that the power to confer it belonged equally to bishops and priests; moreover, these priests had been delegated by Photius, the usurper, as they called him, that is, a pseudo-patriarch, to whom, therefore, the legitimate rights of the Patriarch did not belong; finally, Bulgaria belonged to the Western Patriarchate, and therefore the delegation, of which we are speaking, made by the Roman Pontiff to Greek priests, either expressly or tacitly, to administer confirmation in the Eastern Patriarchate, did not permit those

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same priests to perform that very act in Bulgaria.

Canon IX. When Popes condemn a certain proposition, they are to be understood as condemning it in the very sense in which it was published by the authors.

Corollary III. What Alexander VIII condemned when he affixed a certain proposition, namely, that it is not permissible to follow the opinion, even if it is the most probable of probable opinions, is to be understood primarily from Sinnicchio, from whose book the passage was taken.

Canon X. From the pontifical condemnation of a certain proposition, it is not permissible to infer the condemnation of another, which is entirely related to the first. An example is: Clement VIII condemned...

[*Latin ed. p. 467*]

They assert that it is permissible, either through letters or messengers, for a penitent who is absent to confess his sins sacramentally, and to obtain absolution from the same absent priest. However, Urban VIII, in the year 1652, not only declared the absolution valid when a sick person, before one or two witnesses, exhibits signs of contrition, and then, in the absence of a priest, demonstrates the will to confess, but it is also stated from the account of the messenger that the sick person showed signs of contrition and the will to confess. Moreover, he declared that this does not contradict the decree of Clement VIII, but rather contains a different reason. See Benedict XIV, 1, 7, on Diocesan Synods, chapter 15, paragraph 8, Canon XI. From the fact that the Popes prohibit something under the penalty of an anathema, it does not follow that that thing is always, in itself, a grave sin. Thus, Gregory II, in the Roman Council in the year 721, excommunicated clerics who wore long hair; which, according to him, is a harsh accusation of a deadly crime. Compare Benedict XIV, on Diocesan Synods, 1, 10, chapter 3, paragraph 1, and following, Canon XII. When the Popes prohibit something, it is necessary to consider the circumstances of the prohibition. This pertains to the statements in Canon VIII, Canon XIII. If the Popes have prohibited something, it must be considered whether they have expressed their mind so clearly in a living voice that there is no room for argument in a completely different case. Thus, many theologians maintain that even after the constitution *Detestabilis* of Sixtus V, the *Trinum Contract* is permissible; for Cardinal Toletus and Cardinal S. Severina, to whom the task was entrusted by Sixtus V of composing the law, or the bull, *Detestabilis*, affirmed to Father Stephen Tuccio, a theologian of the Society of Jesus, that Sixtus did not wish that law to prohibit all contracts, but only unjust ones; therefore, those who were just before the law was enacted (and many confirm that the *Trinum Contract* was of this kind) are also permitted to engage in it after the law has been enacted, as the learned Comitolus writes in *Responsiones Morales*, book 3, question 12, paragraph 3. Canon XIV. Furthermore, it must be considered whether subsequent Popes have

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restricted a prohibition enacted by their predecessors. Thus, when Sixtus V included abortion, even of an inanimate fetus, procured either by oneself or by others, among the more serious crimes punishable by degradation, Gregory XIV restricted the Sixtine prohibition to abortion only of a living fetus.

[*Latin ed. p. 468*]

Canon XV. And it must be noted that a pontifical constitution, prohibiting something in one place, may not be received elsewhere, as the most grave Doctors relate concerning the constitution *Cum onus* of St. Pius V., in *Benedict XIV., de Syn. Dioc.*, book 40, chapter 3, number 3, that it was not received in Gallia, Belgio, and Germania.

§ II. Pontifical decrees are to be considered by the moral theologian above all others.

PROPOSITIONS CONDEMNED BY POPE ALEXANDER VII, on the 5th day of September, 1663, in the general congregation of the Holy Roman and universal Inquisition, before the Most Holy Lord Pope Alexander VII, after mature discussion of the following propositions:

4. A man is never bound at any time in his life to perform an act of faith, hope, and charity, by virtue of the divine precepts pertaining to those virtues.

5. A soldier challenged to a duel can accept it, lest he incur the mark of cowardice among others.

6. The opinion asserting that the bull *Cænæ* only prohibits absolution from heresy, and from other crimes, when they are public, and that it does not derogate from the authority of Trent, in which secret crimes are discussed, was seen and tolerated on July 18, 1629, in the Sacred Congregation.

7. Regular prelates can absolve any secular persons in the forum of conscience from hidden heresy, and from excommunication incurred for it.

8. Although it is clearly known to you that Peter is a heretic, you are not bound to denounce him, if you cannot prove it.

9. A confessor, who in sacramental confession gives to the penitent a paper to be read later, in which he incites to lust, is not considered to have been solicitous in confession; and therefore, he is not to be denounced.

10. The way to evade the obligation to denounce solicitation is, if the one who is solicited confesses with the one who solicits, the latter can absolve him without the burden of denouncing.

[*Latin ed. p. 469*]

8. A priest may lawfully receive a double stipend for the same Mass, applying to the petitioner a portion that corresponds to the special fruit of the Mass itself, and this is so after the decree of Urban VIII.

9. After the decree of Urban, a priest to whom Masses are assigned may,

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through another, fulfill the obligation, receiving a smaller stipend, while retaining a portion of the stipend for himself.

10. It is not contrary to justice to receive a stipend for several sacrifices and to offer only one sacrifice; nor is it contrary to fidelity, even when a promise is made, even confirmed by an oath, by one who gives the stipend, that it is for no other offering.

11. Sins omitted or forgotten in confession, either due to the urgent danger of life, or for another reason, are not required to be expressed in the subsequent confession.

12. Mendicants can absolve from sins reserved to the Bishop, without having obtained the authority of the Bishops for this purpose.

13. He fulfills the precept of annual confession who confesses to a regular priest presented to the Bishop, but unjustly rejected by him.

14. He who makes a voluntary confession fulfills the precept of the Church.

15. The penitent may, by his own authority, substitute another who will fulfill the penance in his place.

16. Those who hold a curacy may choose a simple priest, not approved by the Ordinary, as their confessor.

17. It is licit for a Religious, or cleric, to kill a calumniator who threatens to spread grave crimes about him, or about his religion, when no other means of defense is available, as would seem to be the case if the calumniator is prepared to publicly and before the most serious men, attack the Religious, or his religion, unless he is killed.

18. It is permissible to kill a false accuser, false witnesses, and even judges, from whom an unjust sentence is certainly imminent, if no other way can avoid the innocent from suffering harm.

19. The husband does not sin if he kills his wife with his own authority, having caught her in adultery.

20. The restitution imposed by Pius V. on the benefice is not recited.

[*Latin ed. p. 470*]

1. Taxes are not due in conscience before the declaratory sentence of the judge, because they are a penalty.

2. He who holds a benefice or any other ecclesiastical office, and devotes himself to the study of literature, fulfills his obligation if he has the office recited by another.

3. It is not contrary to justice to not confer ecclesiastical benefices gratuitously, because he who confers such ecclesiastical benefices, with money involved, does not demand that money for the conferral of the benefice, but rather as a temporary emolument, which he was not obligated to grant.

4. He who breaks the fast of the Church, to which he is bound, does not

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commit a mortal sin, unless he does so out of contempt or disobedience, thinking that he does not wish to subject himself to the precept.

5. Lasciviousness, sodomy, and bestiality are sins of the same low species; therefore, it suffices to say in confession that one has procured pollution.

6. He who has had intercourse with a loose woman fulfills the precept of confession by saying: "I have committed a grave sin against chastity with a loose woman, without explaining the intercourse."

7. When those who are litigating have equally probable opinions in their favor, the judge may accept money to render a sentence in favor of one rather than another.

8. If a book is the work of a junior and modern author, the opinion concerning it should be considered probable, unless it is established that it has been rejected by the Apostolic See as improbable.

9. The people do not sin, even if, without any cause, they do not accept a law promulgated by the prince.

Then, on the 5th day of March, 1666.

Proposition 29. On the day of fasting, he who frequently eats a small amount, even if he eats a noticeable quantity at the end, does not break the fast.

30. All officials who corporally labor in the republic are excused from the obligation of fasting, and they do not need to certify whether their labor is compatible with fasting.

31. All those who are traveling by riding are absolutely excused from the precept of fasting, no matter how they travel, even if the journey is not necessary, and even if the journey is completed in one day.

[*Latin ed. p. 471*]

52. It is not evident that the custom of not eating eggs and dairy products during Lent is obligatory.

53. The restoration of fruits due to the omission of Hours can be supplied by any alms that the beneficiary has previously made from the fruits of his benefice.

54. On Palm Sunday, reciting the Paschal Office fulfills the precept.

55. One Office can suffice to fulfill the double precept for both the present day and the following day.

56. Regular clergy can make use of their privileges in the forum of conscience, which are expressly renewed by the Council of Trent.

57. The indulgences granted to Regular clergy, and revoked by Paul V., are today revalidated.

58. The mandate of Trent, that a priest who is about to offer the sacrifice, out of necessity with mortal sin, must first confess, is a counsel, not a precept.

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59. That particle, "first," is understood to mean that the priest will confess at his appointed time.

60. It is a probable opinion that a kiss given solely for carnal delight, and for the sensible pleasure arising from the kiss, is venial, provided there is no danger of further consent or pollution.

61. A concubinarius is not obligated to dismiss his concubine, if she is very useful for the pleasure of the concubinarius, commonly called "Regalo," provided that, if she were to be absent, his life would be very difficult, and other entertainments would cause the concubinarius great boredom; and if another servant were very difficult to find.

62. It is permissible for a lender to demand something beyond the agreed sum, if he obligates himself not to repeat the sum until a certain time.

63. An annual legacy left for the soul of the deceased does not last longer than ten years.

64. With regard to the forum of conscience, when a guilty party has been corrected, and his contumacy has ceased, the censures cease.

65. Prohibited books can be retained until they are purged, provided that diligent efforts are made to correct them.

The same Most Holy [Father] having maturely considered the matter, decided and decreed that the aforementioned propositions, and each one of them, are to be condemned and prohibited as scandalous, just as he condemns and prohibits them: so that whoever...

[*Latin ed. p. 472*]

Whether he has taught these things, either jointly or separately, defended them, published them, or even discussed them, publicly or privately, concerning them, except perhaps when refuting them, by this very act he incurs excommunication, from which he cannot be absolved (except at the point of death) by anyone, no matter how high his dignity, except by the Roman Pontiff then in office. Furthermore, strictly in virtue of holy obedience, and under the threat of divine judgment, it prohibits all the faithful of Christ, of whatever condition, dignity, and status, even those who are specially and most particularly distinguished, from introducing the aforementioned opinions, or any of those pertaining to them.

PROPOSITIONS CONDEMNED BY HIS HOLINESS, POPE INNOCENT XI.

(1) On the fifth day of March, in the year 1679.

1. It is not illicit in administering the sacraments to follow an opinion that is probable concerning the value of the sacrament, abandoning a safer opinion, unless this is forbidden by law, a decree, or the danger of incurring a serious loss. Therefore, one should not use only a probable opinion in

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conferring baptism, the priesthood, or the episcopate.

2. I consider that it is probable that a judge can judge according to an opinion that is even less probable.

3. Generally, as long as we act with probability, whether intrinsic or extrinsic, however slight, provided that we do not go beyond the limits of probability, we act prudently.

4. An unbeliever will be excused from infidelity if he does not believe, guided by a less probable opinion.

5. We do not dare to condemn the one who, in his life, would perform an act of love of God only once, mortally.

6. It is probable that even rigorously, one is not obligated by oneself to observe the precept of charity towards God every five years.

(1) The Supreme Pontiff has established and decreed the following propositions, and each of them, as they stand, are to be condemned and prohibited, at the very least as scandalous and pernicious, just as He condemns and prohibits them.

[*Latin ed. p. 473*]

7. Hoc solum obligat, quando tenemur justificari, et non habemus aliam viam, qua justificari possimus.

8. Comedere et bibere usque ad satietatem ob solam voluptatem, non est peccatum, modo non obsit valetudini, quia licite potest appetitus naturalis suis actibus frui.

9. Opus conjugii ob solam voluptatem exercitum, omni penitus caret culpa, ac defectu veniali.

10. Non tenemur proximum diligere actu interno, et formali.

11. Praecepto proximum diligendi satisfacere possumus per solos actus externos.

12. Vix in sæcularibus invenies, etiam in regibus, superfluum statui. Et ita vix aliquis tenetur ad eleemosynam, quando tenetur tantum ex superfluo statui.

13. Si cum debita moderatione facias, potes absque peccato mortali de vita alicujus tristari, et de illius morte naturali gaudere, illam inefficaci affectu petere, et desiderare; non quidem ex displicentia personæ, sed ob aliquod temporale emolumentum.

14. Licitum est absoluto desiderio cupere mortem patris, non quidem ut malum patris, sed ut bonum cupientis, quia nimirum ei obventura est pinguis hereditas.

15. Licitum est filio gaudere de parricidio parentis a se in Christo perpetrato, propter ingentes divitias inde ex hereditate consecutas.

16. Fides non censetur cadere sub praeceptum speciale, et secundum se.

17. Satis est actum fidei semel in vita elicere.

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18. Si a potestate publica quis interrogetur, fidem ingenuē confiteri, ut Deo, et fidei gloriosum consulat: tacere ut peccaminosum per se non damno.

19. Voluntas non potest efficere, ut assensus fidei in se ipso sit magis firmus, quam mereatur pondus rationum ad assensum impellentium.

20. Hinc potest quis prudenter repudiare assensum, quem habebat supernaturalem.

21. Assensus fidei supernaturalis, et utilis ad salutem, stat cum notitia solum probabili revelationis: imo cum formidine, qua quis formidet, ne non sit locutus Deus.

[*Latin ed. p. 474*]

22. The necessity of faith in one God appears to be a matter of necessity of means, but not of the explicit reward.

23. Faith broadly expressed through the testimony of creatures, or a similar reason, suffices for justification.

24. To call God as a witness to a falsehood is a slight offense, not so great as to warrant the condemnation of a man.

25. It is permissible to swear an oath even when the cause is light, whether the matter is trivial or serious.

26. If anyone, whether alone or before others, whether questioned or of his own accord, or for the sake of recreation, or for any other purpose, swears that he has not done something that he truly did, understanding within himself something else that he did not do, or a different way in which he did it, or any other addition to the truth, he does not truly lie, nor is he perjurious.

27. A just cause for using such ambiguities is whenever it is necessary or useful for the salvation of the body, honor, the protection of family affairs, or for any other virtuous act, so that the concealment of the truth is considered at that time expedient and prudent.

28. He who, through recommendation or a gift, is promoted to a magistracy or public office, may, with a mental reservation, take the oath that is usually required by the king from similar individuals, without regard to the intention of the one demanding it, because he is not bound to confess a hidden crime.

29. Grave and urgent fear is a just cause for feigning the administration of the sacraments.

30. It is permissible for an honorable man to kill an aggressor who intends to inflict calumny, if otherwise he cannot avoid this dishonor: the same may be said if someone attacks with a sword, or strikes with a club; and after the sword attack, or the club blow, he flees.

31. Regularly, I may kill a thief for the sake of preserving one gold coin.

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32. It is not only permissible to defend, by a defensive action that results in death, that which we actually possess, but also that to which we have an inchoate right, and that which we hope to possess.

33. It is permissible for both the heir and the legatee, against one who unjustly prevents them from receiving the inheritance or the legacy, to defend themselves in this manner; just as it is permissible for one who has a right to a chair or a benefice, against one who unjustly prevents him from possessing it.

[*Latin ed. p. 475*]

54. It is permissible to procure an abortion before the animation of the fetus, lest the girl, having been found pregnant, be killed or dishonored.

55. It seems probable that every fetus, as long as it is in the womb, lacks a rational soul, and only begins to possess it when it is born; consequently, it must be said that in no abortion is homicide committed.

56. It is permitted to steal, not only in extreme necessity, but also in grave necessity.

57. Servants and female servants may secretly take from their masters to compensate for the labor they perform, which they deem to be greater than the wages they receive.

58. No one is obligated, under pain of mortal sin, to restore what has been taken away by a few thefts, no matter how great the total sum may be.

59. He who incites or leads another to inflict a serious injury on a third person is not obligated to make restitution for that injury.

60. A contract of *mohatora* is licit, even with respect to the same person, and with a previously entered contract of sale, with the intention of profit.

61. When numbered money is more valuable than unnumbered money, and there is no one who would make present money less valuable than future money, the creditor may demand something beyond the principal from the borrower, and is excused from usury on this account.

62. Usury is not present when something is demanded beyond the principal, as if it were due out of benevolence and gratitude, but only when it is demanded as if it were due by right.

63. Is it not venial, to detract from one's own authority by falsely accusing another?

64. It is probable that one does not commit mortal sin who falsely accuses someone in order to defend his own justice and honor. And if this is not probable, scarcely any opinion will be probable in theology.

65. To give something temporal for something spiritual is not simony, when the temporal thing is not given as a price, but merely as a motive for conferring or effecting the spiritual, or even when the temporal thing is

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merely a free compensation for the spiritual, or vice versa.

66. And this also holds true, even if the temporal thing is the principal motive for giving the spiritual, indeed, even if it is the end itself.

[*Latin ed. p. 476*]

Concerning spiritual matters, so that the former is considered more valuable than the latter. 47. When the Council of Trent stated that those who communicate with others who are guilty of mortal sins, sin mortally, unless they judge them to be more worthy and more useful to the Church, the Council seems, either first, to intend by this to mean that "worthy" does not signify anything other than the dignity of those chosen, taking the comparative as positive; or secondly, it uses the word "worthy" in a less proper way to exclude the unworthy, not the worthy; or finally, it speaks a third time, when there is a conflict. 48. It seems clear that fornication, in itself, does not involve any malice, and is only evil because it is forbidden, so that it appears to be entirely contrary to reason. 49. Softness, which is forbidden by natural law, is not inherently evil. Therefore, if God had not forbidden it, it would often be good, and sometimes even obligatory under a mortal penalty. 50. A union with a spouse, with the consent of the husband, is not adultery, and therefore it is sufficient in confession to say that one has committed fornication. 51. A servant who knowingly helps his master to climb through the windows to rape a virgin, and who does this repeatedly, by bringing a ladder, opening the door, or cooperating in a similar way, does not sin mortally, if he does so out of fear of a notable detriment, such as being mistreated by his master, being glared at with harsh eyes, or being expelled from the house. 52. The precept of observing the feasts does not obligate under a mortal penalty, unless there is scandal, if there is no contempt. 53. One satisfies the precept of the Church regarding hearing the sacred services, by hearing two parts, indeed four together, from different celebrants. 54. He who cannot recite Matins and Lauds, can recite the other Hours, and is not bound to do so, because the greater part draws the lesser part to itself. 55. One satisfies the precept of annual communion by the sacrilegious eating of the Body of the Lord. 56. Frequent confession and communion, even in those who live according to the ways of the Gentiles, is a sign of predestination. 57. It is probable that natural attrition is sufficient, provided it is honest.

[*Latin ed. p. 477*]

58. We are not bound to confess to the confessor the habit of any sin.

59. It is permissible to sacramentally absolve those who have confessed only partially, due to a large gathering of penitents, as may happen, for example, on a great feast day or during an indulgence.

60. To a penitent who has a habit of sinning against the law of God, of nature, or of the Church, even if no hope of amendment appears, absolution

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is neither to be denied nor postponed, provided that he expresses sorrow with his mouth and proposes amendment.

61. It is sometimes possible to absolve one who is in the immediate opportunity of sinning, which he can and does not want to avoid, unless he directly and deliberately seeks it out, or unless it is thrust upon him.

62. The immediate opportunity of sinning is not to be avoided when some useful or honorable reason for not avoiding it arises.

63. It is permissible to seek out the immediate opportunity of sinning for the sake of our own spiritual or temporal good, or for the good of our neighbor.

64. A man is capable of absolution, even if he suffers from ignorance of the mysteries of the faith, and even if, through culpable negligence, he does not know the mystery of the Most Holy Trinity and the Incarnation of our Lord Jesus Christ.

65. It suffices that he has believed those mysteries once (1).

PROPOSITIONS CONDEMNED BY ALEXANDER VIII.

Decree. On the feast of the 5th of August, 1690, in the General Congregation of the Holy Roman and Universal Inquisition, the following two propositions were brought under examination:

(1) The Supreme Pontiff decreed with these words: "Whoever, of whatever condition, status, and dignity, defends or publishes or discusses or publicly or privately treats or preaches about these matters, or some of them together or separately, unless perhaps by refuting them, incurs by that very act excommunication latae sententiae, from which he cannot be absolved (except at the point of death) by anyone, whatever his dignity, except by the reigning Roman Pontiff." Furthermore, in virtue of holy obedience and under the threat of divine judgment, he strictly prohibits all Christians of whatever condition, dignity, and

[*Latin ed. p. 478*]

I. Objective goodness consists in the suitability of an object to human nature; formal goodness, on the other hand, consists in the conformity of an act to the rule of morals. For this, it suffices that a moral act tends towards the ultimate end, interpretatively. Man is not obligated to love this, neither at the beginning nor in the course of his moral life.

2. A philosophical, or moral, sin is a human act that is inconsistent with human nature and right reason. A theological sin, however, and a mortal sin, is a transgression of divine law made freely. A philosophical sin, however grave it may be in one who either ignores God or does not actively think of God, is a grave sin, but it is not an offense against God, nor is it a mortal sin that dissolves friendship with God, nor is it deserving of eternal

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punishment.

The Holy Pontiff declared the first proposition heretical; the second, rash, scandalous, etc. Decree. Friday, December 7, 1690, the same Holy Father, Alexander VIII, condemned the following 31 propositions:

1. In the state of fallen nature, for a mortal sin, and for the meriting of grace, that freedom suffices, by which one was, in his own cause, voluntary and free, in original sin, and in the will of the sinful Adam.

2. Although invincible ignorance of natural law may be present, this does not excuse from formal sin in the state of fallen nature, by itself.

3. It is not permissible to follow an opinion, even if it is the most probable among probable opinions, even if it is distinguished by a special and most special mark, so that these opinions or any of them are not put into practice.

Finally, so that doctors or scholastics, or anyone else, may abstain from injurious contentions in the future, for the sake of peace and charity, the same Holy Father commands them, in virtue of holy obedience, to be careful in books printed and in manuscripts, as well as in theses, disputations, and sermons, to avoid all censure and notes; and also to avoid all accusations against those propositions which are still being debated here and there among Catholics, until they are recognized by the Holy See, and a judgment is pronounced on those same propositions.

[*Latin ed. p. 479*]

4. He gave Himself up for us as an offering to God, not for the elect alone, but for all, and for the faithful alone.

5. Pagans, Jews, heretics, and others of this kind receive absolutely no grace from Jesus Christ; and therefore, it rightly follows that in them there is a bare and powerless will, without any sufficient grace.

6. Sufficient grace is not so much useful to our state as it is harmful, so that we can rightly pray: "O Lord, deliver us from sufficient grace."

7. Every human action is either motivated by love of God, or by love of the world; if by love of God, it is the charity of the Father; if by love of the world, it is concupiscence of the flesh, which is evil.

8. It is necessary that the unbeliever sin in every work.

9. He truly sins who hates sin merely because of its ugliness and its incongruity with nature, without any regard for offending God.

10. The intention with which one detests evil and pursues good, merely in order to obtain heavenly glory, is not right, nor pleasing to God.

11. Everything that is not from Christian supernatural faith, which works through love, is sin.

12. When all love fails in great sinners, faith also fails; and even if they seem to believe, it is not divine faith, but human faith.

13. Whoever serves God with a view to eternal reward, if he lacks charity,

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does not lack vice, whenever, even with the intention of beatitude, he acts.

14. Fear of hell is not supernatural.

15. Attrition, which is conceived by fear of hell and of punishments, without love of the benevolent God for His own sake, is not a good or supernatural movement.

16. The order of making satisfaction before absolution was not instituted by human law or by the institution of the Church, but by the very law and prescription of Christ, nature itself dictating this in some way.

17. Through this practice, the order of penance is quickly reversed, so that absolution may follow.

[*Latin ed. p. 480*]

18. The modern custom concerning the administration of the sacrament of penance, even though supported by the authority of many men, and confirmed by the length of time, is nevertheless not considered by the Church to be a proper practice, but rather an abuse.

19. A man ought to perform penance throughout his entire life for original sin.

20. Confessions made among Religious, in most cases, are either sacrilegious or invalid.

21. A parishioner may suspect that mendicants, who live by common alms, impose a penance that is too light and inappropriate, or a satisfaction, for the sake of gain or temporary support.

22. Those who claim the right to receive Holy Communion before having performed a worthy penance for their sins are to be judged sacrilegious.

23. Similarly, those in whom the purest love of God does not yet reside, and who are free from all mixture [of other affections], are to be kept away from Holy Communion.

24. The offering made in the temple by the Most Blessed Mary on the day of her Purification, consisting of two doves, one for a holocaust and the other for sins, sufficiently testifies that she needed purification, and that the Son, who was offered, was also stained with the stain of His Mother, according to the words of the law.

25. It is forbidden for a Christian to place an image of the Father of God in the temple.

26. Praise offered to Mary, as to Mary, is vain.

27. Baptism was sometimes validly conferred under this form: "In the name of the Father, etc.," omitting the words, "I baptize you."

28. Baptism is validly conferred by a minister who observes all the external rites and the form of baptism, but who inwardly, in his heart, resolves: "I do not intend what the Church intends."

29. The assertion that the Roman Pontiff has authority over an ecumeni-

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cal council, and infallibility in deciding matters of faith, has been proven futile and has been overturned many times.

[*Latin ed. p. 481*]

30. Whoever finds a doctrine clearly founded in Augustine, may absolutely hold and teach it, without regard to any papal bull. 31. The bull of Urban VIII, *In Eminenti*, is spurious (1).

(1) a) In this bull of Urban VIII, published in the year 1641, the constitutions of Pius V and Gregory XIII are confirmed, by which 79 propositions of Baius are condemned; in the same, the book of Cornelius Jansenius, entitled *Augustinus*, is again prohibited. This bull has been called spurious by the Baians and Jansenists, as if it were issued by a Pope ignorant of the truth.

b) The aforementioned 31 propositions are condemned and prohibited as temerarious, scandalous, ill-sounding, injurious, near to heresy, knowing heresy, erroneous, schismatic, and heretical, respectively.

c) Here, one should add five propositions condemned concerning war, but let the reader consult them in the work, book 4, number 400, edition. FINIS.

[*Latin ed. p. 482*]

PART TWO. ENCYCLICAL LETTERS AND DECREES OF BENEDICT XIV. Concerning matters of morals. CHAPTER I. ENCYCLICAL LETTER I. ON FASTING. To the Venerable Brothers, greetings and the apostolic blessing. We do not doubt, Venerable Brothers, that it is known to all who practice the Catholic religion, that the Lenten fast, which was formerly foreshadowed in the Law and the Prophets, and which our Lord Jesus Christ Himself consecrated by His example, and which was handed down by the Apostles, prescribed by the sacred canons everywhere, and observed by the entire Church from its very beginning, is always considered among the principal pillars of orthodox discipline throughout the Christian world. For indeed, as...

[*Latin ed. p. 483*]

The Fathers have handed down to us a common remedy for our daily sins: the institution of penitence. Through participation in the Cross of Christ, we also accomplish something in that which He has offered for us. At the same time, purified by fasting, both in body and soul, we prepare ourselves more fittingly to remember the sacred mysteries of our redemption, which are solemnly celebrated, especially during the season of Lent, through the commemoration of the Lord's Passion and Resurrection. Thus, as if a badge of our military service, we are separated from the enemies of the Cross of Christ, we avert the scourges of divine vengeance, and daily we are fortified by heavenly assistance against the princes of darkness. From

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this, a detriment to divine glory arises that should not be scorned, nor a disgrace to the Catholic religion, nor a danger to the souls of Christ's faithful. Moreover, it is evident that calamities for peoples, and ruin and destruction for public and private affairs, stem from this. But from this deeply ingrained and inherent conviction, and reverence, which resides in the hearts of all Catholics concerning the most sacred Lent, and other days consecrated by fasting, how far the custom of those who fast today is, in reality, from the very institution of fasting, and from the discipline which has always been observed, everywhere, and by all; you, venerable Brothers, who know the customs and practices of the people entrusted to your care, understand this more clearly than others, by reason of your singular wisdom. We, indeed, to whom, in this exalted position of apostolic service, news is brought from all parts of the world, cannot sufficiently deplore that the most august observance of Lenten fasting has been so completely abolished everywhere, without any legitimate reason, so that those who cultivate true religion justly lament, while heretics mock and rejoice. We are deeply saddened that this pernicious corruption has been compounded by the license of many; so that, with no regard for the sacred institutions of the apostolic order, feasts and banquets forbidden during the time of fasting are openly and impunely held by some. Therefore, as we are burdened with such concerns, anxieties, and sorrows, we communicate these to you, our Brothers, and we cannot help but speak of what is commanded in Volume X.

[*Latin ed. p. 484*]

By the supreme and most sacred office of the Apostolate, and stirred by the ardent zeal of your Congregations to apply the appropriate remedy to these evils, we are moved to consider enacting laws to thoroughly eradicate such abuses. In the meantime, Venerable Brothers, considering that nothing is more pleasing to God, nothing more worthy of our pastoral ministry, nothing more useful to the flocks entrusted to our care, than to inspire, by word and example, the faithful of Christ to more eagerly embrace, and steadfastly maintain, and more zealously practice that most salutary exercise of Christian penance and piety, we strive with all effort and diligence to ensure that the faithful people, in the sight of God, may remain such as it is fitting to find in the very Paschal feast, through stricter observance of fasts. Therefore, it is the rightful duty of the diligence and charity of each of you to make it known and announce to all, that to no one, indeed, without a legitimate reason, and with the advice of both physicians; but to the multitude, or as a people, or a city, or a nation indiscriminately, dispensation from the Lenten fast should be granted only in cases of most serious and urgent necessity, and in cases prescribed by the sacred canons, with due reverence for this Holy Apostolic See, and that such dispensation should be granted as often as necessary, and never presumptuously

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or boldly sought, nor arrogantly demanded from the Church, as we have learned is sometimes the case. We will not, however, explain to you the reasons for such a serious and urgent necessity; but we do not wish to leave you ignorant, for we believe that in such a necessity, one meal at most must be observed, as we have expressly prescribed here in Rome, and as we ourselves have dispensed this year, for urgent reasons, and that permissible and prohibited foods should be mixed as little as possible. Furthermore, we are convinced that if such leniency is distributed with such caution, a clear account will be rendered to the highest divine judgment; and we believe that the conscience of each of you should be burdened accordingly. We also implore and exhort your Congregations in the Lord, that those people who are unable to observe the common penance and discipline of all the faithful of Christ, may be encouraged to make amends through other works of piety, according to their ability.

[*Latin ed. p. 485*]

Devotion may suggest, but they neglect to atone for their sins and to satisfy God; rather, they should diligently apply themselves to healing the wounds by which human weakness is afflicted, so that the faults contracted from the dust of the world may be redeemed by pious works, the support of prayers, and the gifts of charity, while they are unable to cleanse them through fasting. Meanwhile, the solace and comfort that your pastoral vigilance and charity bring to our sorrow are not slight, and we assure you that the apostolic blessing, joined with an abundance of heavenly graces, will be abundantly bestowed upon your people. We wish, therefore, that, just as has been done here, and as would be possible if they were presented or shown, the same faith should be applied everywhere, and that it should be applied, by means of these present documents, which are signed by the hand of a public notary and sealed with the seal of a person in an ecclesiastical office. Given in Rome, at Saint Mary Major, under the Fisherman's ring, on the thirtieth day of the month of May, in the year one thousand seven hundred and forty-one, in the first year of Our Pontificate. Cardinal Passioneus.

ENCYCLICAL LETTER II. CONCERNING THE SAME FAST. In the supreme universal care of the Church, although merits are unequal, through the ineffable abundance of divine goodness, as defenders of the orthodox faith, and also as guardians and defenders of ecclesiastical discipline, we desire, especially concerning the Lenten fast, which among the principal precepts of orthodox discipline has always and everywhere been counted from the very beginning of the Church, to vindicate it from the corruption of those who fast today, and to restore it, as far as possible, to its former observance. We have endeavored, through other of Our briefs, sent to your fraternities on the thirtieth day of the past month of May of the current year, to stir up the zeal of your fraternities, so that you may

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strive that, in this matter, the sorrow of Our apostolic solicitude may be alleviated, and...

[*Latin ed. p. 486*]

To abolish the corruption of the most sacred fast, a remedy has been sought. However, mindful of the paternal charity of the pontiff, which knows how to support the weaknesses of the infirm, and even to become infirm with those who are infirm, and remembering that, according to our judgment, a dispensation from the fast, for a legitimate cause or due to a most urgent necessity, can sometimes be granted through apostolic benevolence; therefore, among other things, we have prescribed that a single meal should be observed, and that permissible and prohibited foods should be considered only in a minimal way.

It has come to our attention that there are those who, through human means and those abhorrent to Christians in penance, seek to persuade themselves and others that a single meal should be observed, and that permissible and prohibited foods should be considered only in a minimal way, not indiscriminately for the multitude due to a most urgent necessity, but rather for individuals due to a legitimate cause, and that this is done with the advice of both physicians.

To remove this persuasion, which is alien to our judgment, we declare and decree, without exception, that in Lent, and in other times and days of the year in which the consumption of meat, eggs, and dairy products is prohibited, a single meal should be observed, and that permissible and prohibited foods should be considered only in a minimal way, for all, without exception, whether indiscriminately for the multitude due to a most urgent necessity, or for individuals due to a legitimate cause, and with the advice of both physicians, provided that there is no certain and dangerous reason affecting health, and that otherwise it is required, as we expressly prescribe and command to each of the faithful of Christ of both sexes, who are found to be subject to bodily infirmities, that they may be granted permission to eat during the most sacred Lent and other days dedicated to fasting, through our individual briefs of the same form.

Therefore, we ask and implore you, brothers, in the Lord, to diligently and paternally exhort the people entrusted to your care to eagerly apply the remedy of the most sacred fast to heal the wounds by which each person is afflicted through human weakness, and to earnestly urge them to observe and maintain the fast, for this is not a minor matter, but a most important one, for purification.

[*Latin ed. p. 487*]

to the soul and body. Therefore, raise them up with the hope of the rewards of the Church, which are not attainable through the passions of this time, but rather, the slight and momentary discomfort of our abstinence, a

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burden of little consequence, works a great weight of glory in the heavens. All abstain from food, who contend in the arena, that they may receive a perishable crown; let it be shameful for such weak and delicate soldiers of the Christian army to refuse to participate in the fellowship of the Cross of Christ, who promises an incorruptible crown to those who rightly contend for it; for the sake of whose patronage, and as a pledge to your fraternities, we earnestly grant our apostolic blessing to the same people, even in your name. We wish that, with the foregoing and printed examples, duly signed by the hand of a public notary, and sealed with the seal of a person in ecclesiastical dignity, the same faith be applied everywhere as is applied to these present, and could be applied, if they were presented or shown. Given in Rome, at the Basilica of Saint Mary Major, under the seal of the Fisherman, on the twenty-second day of the month of August, in the year one thousand seven hundred and forty-first, in the second year of Our Pontificate.

ENCYCLICAL LETTER III. CONCERNING THE SAME FAST. We gladly embrace the opportunities offered to us to stir up your minds, so that you may devote diligent care to the restoration of ecclesiastical discipline. For we understand that the dignity of the Supreme Pontificate, to which we, though unworthy, have been raised, is joined with concern for other Churches, entrusted to us, and we are not ignorant of the weakness of our own powers. And since the entire argument of these letters concerns the fast, which the ancient Church instituted and prescribed to the faithful during the time of Lent; we consider it superfluous to offer a lengthy prayer concerning the institution of Lent, and to bring forward all the authorities of the Fathers and Councils on this matter. This, indeed, seemed to us not a little difficult, but rather foreign, and in no way suitable to you.

[*Latin ed. p. 488*]

Those whom we consider outstanding in doctrine, in the knowledge of canon law, and of sacred history. Furthermore, we were moved to write these letters by those most serious words of the Council of Trent, which, in Session 25 on Reform, command that Bishops should devote all their efforts to ensuring that those entrusted to their care faithfully fulfill those things prescribed by the sacred canons: and that they should especially be obedient to those things which contribute to the mortification of the flesh, such as the choice of food and fasts. When we first undertook the administration of the Church of Bologna (to which we were transferred from the See of Ancona by the beneficence of Clement XII, of blessed memory), we issued a decree (which is contained in the first book of our Institutions for clerics, in the fifteenth place). In that decree, we indicated several difficulties, because of which we considered those who, for a legitimate reason, and with the intervention of legitimate authority, did not observe the Lenten fast to be, at the very least, not strictly bound by the laws of fasting, so that

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it might be permissible for them to set the table twice on any given day, not just once, with an evening meal added, which is usually permitted to those who are fasting. Finally, having been placed in this pontifical See, we again reviewed the entire matter, and we asked the most distinguished men to carefully and thoroughly examine it, and then to express their opinions to us. After this, we decided to put an end to this controversy, and we decreed that in the future, no special or general permission should be granted to any city or town to use meat at the table during times of fasting or Lent, unless the condition of observing the fast, or of having only one meal, is included; and also that it should be noted that it is by no means permissible to serve the same meal with both meat and fish. Indeed, having rejected these excessively complicated questions, we considered it best to indicate to those even who have legitimately used meat when a fast is prescribed, that they should have only one meal each day; and to completely eradicate that wicked custom, which had already become too prevalent among many, namely, of bringing meat to the table with fish, after they have been excused from the precept of Lenten abstinence, primarily because they suffer a serious detriment to their salvation from eating fish. These things are clearly stated in our apostolic letters.

[*Latin ed. p. 489*]

which we presented in a concise form to all the Bishops of the Catholic world in the year 1741, the first of which begins with "Non ambiginus"; the others, with "In suprema." Indeed, we have never granted any dispensation for the consumption of meat during the time of Lent, or any other prescribed fast, except under a condition expressly stated and written, as we mentioned above. We have also received with great joy many letters and mandates from you, which are entirely in agreement with our apostolic letters, in which you strove to persuade the people subject to you to piously observe the discipline proposed therein. Meanwhile, the same apostolic letters, which we mentioned a little earlier, have given rise to several objections by some, as we had previously suspected. Moreover, several questions have been proposed to us, which, as we believe, are of little importance and significance; since they are either contradicted by the very words of the law, or are completely refuted and dissolved. Nevertheless, aware of these matters, our sacred tribunal of the Penitentiary, which is very knowledgeable, has been entrusted with examining these questions, and it has fully and completely answered them, whenever it was necessary. The Archbishop of Santiago de Compostela, the chief Inquisitor in the Kingdom of Spain, who recently passed away, wrote us a lengthy letter in which he recounted several difficulties that opposed the execution of our apostolic letters, because some theologians held different opinions and views on certain questions, for which our apostolic letters provided the cause and opportunity; and he inquired about our judgment on these mat-

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ters. Indeed, the Archbishop's letter found us occupied with very serious and difficult matters. However, considering the triviality of the questions presented in it, we did not deem it necessary to provide an answer to those questions, nor to resolve them in such a way that no impediment or obstacle would remain to our apostolic letters; but rather, that the objections raised would contribute very little to the desired outcome. Furthermore, the Archbishop's letter was replete with many arguments and obscure expressions: therefore, although many urged us not to respond to the Archbishop in any way; nevertheless, we satisfied him with the main points from his...

[*Latin ed. p. 490*]

Having deliberated in writing, and reducing all questions to a certain number. We have testified that we have devoted ourselves to our occupations, and that we respond slowly; a practice which we have commended, and which we have also greatly approved, because it is fitting that those who are hesitant and doubtful should seek refuge in this Holy See, in order to obtain counsel. Then, having presented the questions, we did not neglect to provide answers, but we warned him about the institution of the Supreme Pontiffs, who are accustomed to establish laws and to determine discipline, and who have no regard for those who object to the reasons for doubt, so that they may not disturb or overturn what has been established. Shortly after the letters were delivered, the Archbishop completed his earthly course, and therefore, we rightly suspect that our answers, which were contained in the letters, were not known to those who had raised the questions. After this, other Bishops, also from Spain, presented us with some of the same questions; therefore, we used the same answers that we had previously given to the Archbishop of Santiago de Compostela. There were also outstanding theologians among the Italians who, in the year 1741, illuminated our apostolic letters with excellent commentaries; the same happened with the response that we gave to the Archbishop of Santiago de Compostela on July 8, 1744, which they certainly took care to preface in their books. But since these books may not yet have reached you, or you may have been so distracted by other concerns that you have been unable to read them thoroughly, we are appending to these Encyclical Letters the same ones that we wrote to the Archbishop of Santiago de Compostela a long time ago, so that you may clearly know what discipline should be observed in your dioceses, and so that you may not be deterred by difficulties, if any are raised by cunning men. To the Venerable Brother, the Archbishop of Santiago de Compostela, BENEDICT XIV, POPE. Venerable Brother, greetings, and the Apostolic Blessing. If your Fraternity deems it appropriate, consider how greatly and with what

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serious concerns we are almost constantly burdened, and how much...

[*Latin ed. p. 491*]

Especially during this most difficult time, let the solicitude for all the Churches hold us fast; and let him not be surprised that the reply to those letters has been delayed so long, in which, with Apostolic authority, we requested the resolution of certain disputes arising in Hispania, concerning some passages from our two Letters to all the Bishops of the preceding year, of May 5th and August 22nd, in which we established, within legitimate limits, the relaxation of the ecclesiastical fast. Rather, let him consider our singular love for the most religious Church of Hispania, from which we, although weary from the immense burden of affairs, readily offer our help to provide a way to salvation in all their perplexities. Although, when we published the aforementioned Constitutions, our sole intention was to restrain the license of a few theologians who are too confident in their own ingenuity, and who delight in novelty of opinion; and although we have not ceased to pursue whatever can be illuminated by subtle investigation concerning the rule of fasting which we have established: nevertheless, with extraordinary paternal charity, we embrace so observant a people of the Roman See in Hispania, and we make such supplications for you, that we are pleased to devote our attention to your anxieties, and we ourselves have decided to resolve the questions you have proposed. Thus the matter stands:

I. Whether those things which are prescribed in our aforementioned letters, in the form of a Brief concerning a single meal, and concerning meals that are not mixed, are forbidden under a grave precept? We answer: Granting the faculty of eating meat during the prohibited time, we do not give these same faculties except under these two conditions, namely, a single meal per day, and meals that are not mixed. Those, however, who make use of such faculties, are obligated under a grave precept to observe both of these conditions.

II. Whether those to whom it has been permitted to eat meat may eat in a simple meal that amount of meat which is permitted to those who are fasting? We answer: It is not permitted, but it is necessary; they must use that food and that portion, with which men of right and careful conscience use when fasting.

III. Whether those who are permitted to eat meat during the time of fasting, and who are required to have a single meal, are obligated to observe the hour prescribed for those who are fasting?

[*Latin ed. p. 492*]

We decree that this must be observed. IV. What are the permitted meals, and which are forbidden, and how are they to be joined with the prohibitions? We answer: Permitted meals are those to which it is allowed to eat

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meat; forbidden meals are fish, and therefore both cannot be used together. However, those to whom it is permitted to use only eggs and dairy products are not forbidden from eating fish. V. Does the precept concerning the mixing of both types of meals also apply to Sundays and days of Lent? It is affirmed that it applies. VI. Does this law also apply to those who, by a Bull, are permitted to eat eggs and dairy products? We reply: Nothing has been established in our Apostolic Letters that concerns the gracious Bull of Indulgence. Those who enjoy this privilege should carefully examine its terms and act accordingly. They should take care not to consider themselves excused from the laws prescribed therein by any empty excuse. VII. Do the aforementioned two precepts apply outside of Lent? It is answered: Both precepts apply outside of Lent: that is, the precept of a single meal with the other laws expressed in the second and third answers to these questions; and the other, of not mixing permitted meals with forbidden meals, as defined in the fourth question. You have, venerable Brother, a complete explanation of everything that you wrote to us, which caused doubt from our frequently cited Apostolic Letters. In this matter, we praised your prudence in consulting the Supreme Roman See, so that the pastors may proceed with a free and unwavering step in instructing the flock; and in this very undertaking, we recognized the religion of Spain, which considers nothing safe to itself unless it is received from the Chair of Saint Peter; and from this most splendid glory, Spain has produced only its name and the fruit of unwavering faith. But you must be careful (and this applies especially to you, who hold the principal office of illustrious Archbishop and Inquisitor) that in expounding the constitutions of the Apostolic See, there may be no discussion or ambiguity due to excessive concern for extracting arguments.

[*Latin ed. p. 493*]

The method. Then, diligent efforts must be made to thoroughly resolve among yourselves such doubts, which easily arise, due to the variety of minds, so that minds are never unduly troubled by prolonged discussion; especially since the very constitutions themselves clearly demonstrate the purpose they aim to achieve, and to that end, whatever seems to cause disturbance through doubt, can readily be directed. If those who have raised more doubts about this matter had understood this, they would have resolved their difficulties. For it was clear that our intention was not to restrain the lively minds of certain theologians, who, having gone beyond the bounds of reasonable fasting, and having forgotten to some extent that divinely instituted body, which is to be maintained in its duties, were being flattered by this most offensive spirit. Immediately, if they had understood what was to be established in the proposed questions, they would not have caused you trouble, nor us, who are burdened with very serious concerns from all sides, and who have spent a considerable amount of time, which

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we gladly devote to guiding you on the right path, due to our singular concern and love for your people; and at the same time, we would be mindful of how to strengthen your steps in such matters. Finally, venerable Brother, we impart to you, with all our heart, as a pledge of our benevolence, the Apostolic Blessing. Given, etc. July 8, 1744. Given these circumstances, we seem to have fulfilled our duty sufficiently, lest those to whom it is permitted to eat meat, when the fast of Lent is prescribed to the faithful, or outside of Lent, exceed the limits of a single meal, and lest they be served a table with both fish and meat, nor should they investigate such matters, so as to obscure the law. However, a few things still remain, which require a remedy from us. For we have observed, for many years now, not only that in several cities in your Italy, the observance of the Lenten fast has been relaxed by those in authority, but also that you strive with great zeal to free the entire city, and the entire diocese, from this same obligation. As a result, in some cities and dioceses, all the faithful have, for many years, been permitted to eat meat during Lent without any distinction. This, indeed, affords us great satisfaction.

[*Latin ed. p. 494*]

It is lawful, as we have ascertained through certain testimonies, in some regions of the North, to freely permit the use of milk and eggs throughout the entire season of Lent; for they have requested this permission for several years, and have obtained it from the Apostolic See; therefore, those people have come to believe that they do not need to again petition the Pontiff for such a dispensation, but that the previous concessions received each year are sufficient, so that the custom of using milk and eggs throughout Lent may be established.

Furthermore, we consider it necessary to emphasize the words of the Council of Trent, Session 25, Chapter 18, concerning reforms: "Just as it is sometimes expedient publicly to relax the bonds of the law, so that more fully, in the circumstances and necessities that arise, satisfaction may be given for the common good, so too, to grant indulgences more frequently, and rather by example than by the certain selection of persons and things, is nothing other than to open the way for everyone to transgress the laws."

In our Apostolic Letters, which we addressed to all Catholic Bishops in the year 1741, we sought to prevent this abuse by the following words, which we repeat here: "Therefore, it is the duty of the diligence and charity of each of you to make it known and to announce to all, that to no one, without a legitimate reason, and with the advice of both physicians, and to the multitude, or as a whole people, or city, or nation, indiscriminately, except in cases of very grave and urgent necessity, and in those cases prescribed by the canons of the Holy Church, a dispensation from the Lenten fast should be granted as often as it is needed, nor should it be presumptuously and boldly demanded, nor should it be arrogantly requested from the Church,

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as if it were a matter of course, as is sometimes the custom elsewhere. Moreover, we have followed this rule when we declared a whole multitude, or a whole city, exempt from the Lenten fast. In the first place, the local Bishop must request this from us, and must provide his testimony of a very grave and urgent necessity. Then, the consumption of meat was permitted only to a minimal extent, if the use of milk and eggs seemed sufficient. Finally, the permission to eat meat was granted only when the Bishop testified that it was absolutely necessary, and that no other remedy was sufficient to meet the need."

[*Latin ed. p. 495*]

It would be demonstrated to be true, if only eggs and dairy products were permitted. However, whenever the abstinence of Lent has been relaxed by our authority, we have nevertheless prescribed certain days on which complete abstinence must be observed, namely the Day of Ashes, the four days of Ember Week, the Vigils prescribed by law, and the days of the Greater Week, from Palm Sunday. At times, we have even dispensed with the entire week of Ember Days; at other times, we have permitted abstinence on Saturdays, even though the permission granted by us only included the use of milk and eggs. Finally, we have always added this condition, that the law of fasting should in no way be violated by a single meal in a day, and that meat and fish should not be placed on the table at the same time. While we seriously consider the reasons for this decision, we do not fully agree, due to the concern and doubt that the reason presented by the local Bishop, which we have considered to be legitimate for relaxing the abstinence of Lent, may not, in fact, contain a true and urgent necessity. Indeed, we have always kept before our eyes the principle that we should do nothing that is contrary to reason, nothing rashly, and nothing without due consideration. We also hold fast to the words of Saint Bernard to Pope Eugene, in Book 3, chapter 4, of *De Consideratione*: "Do this, because you can; but whether you ought to, is the question; and when: nevertheless, we have given credence to those to whom it was due, namely, the local Bishops. For the care of particular churches and dioceses cannot be exercised in any other way, unless faith is placed in the Bishops by whom they are governed." But in the future, so that this most important matter may be carried out more safely than has been the case, we ask you to consider the following points. You are not unaware that Pope Innocent III, our predecessor, in chapter *Consilium* of the decree on the observance of fasts, listed as a legitimate reason for relaxing abstinence from meat during the time of fasting, a true and existing infirmity. Furthermore, concerning those who become ill during Lent, or during other solemn fasts, and request that they be permitted to eat meat, we respond that, when there is no legal necessity, the desire of the infirm can be supported, and must be supported, when an urgent necessity demands it, in order to avoid a greater danger. This was

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also decided long before Pope Innocent III by the Fathers of the Eighth Council of Toledo, canon 9, which was held in the year 653: "Whoever, without..."

[*Latin ed. p. 496*]

Subject to unavoidable necessity, and suffering from evident weakness, but also due to the impossibility of age, if someone should presume to consume meat during the days of Lent, not only will they be guilty of disrespecting the Lord's Resurrection, but they will also be excluded from the holy Communion on that very day. Those, however, who are either bent by age, weakened by illness, or constrained by necessity, should not presume to violate the prescribed fast unless they have received permission from a priest. No one can fail to understand that such reasons are sufficient to exempt some individuals from the laws of fasting and abstinence, but not an entire people or a whole city. For who could believe that all the citizens of a city, or of a diocese, would be afflicted by the same serious illness, or be in the same danger of contracting a harmful disease, at the same time? Unless, of course, we are speaking of illnesses that arise from inclement weather or contagion, about which we will speak more fully later. Who would ever believe that an entire population of a diocese, or a community, would be deeply weakened by a common ailment, or completely exhausted by extreme old age? And it cannot be considered a sufficient reason to exempt a city or a people from the Lenten fast, and to allow them to eat meat, simply because fish or eggs are sold at a high price. For just as cities have both poor and wealthy citizens, so too some obtain their livelihood through labor and toil, while others have ample resources and wealth. Therefore, if a high price must be paid for fish, this benefits the wealthy citizens, not the poor. This is also the opinion of some theologians of not overly strict discipline, whose views we have discussed in chapter nine of the third book of our *Institutiones*, which we printed in Bologna. It is also a completely absurd notion to suggest that cities or dioceses should be exempt from the Lenten fast because armies are stationed there, since the soldiers stationed in those places scarcely observe the laws of abstinence. Rather, this should inspire the citizens to undertake the fast properly and piously, so that the soldiers, moved by such virtue of temperance, may follow their example. Only if the presence of military forces brings about such extreme scarcity of herbs and oil to a city, can this be considered a legitimate reason.

[*Latin ed. p. 497*]

Although they do not observe the Lenten fast, so that the prices of these things are greatly increased. Then, the same measures should be taken as we mentioned a little earlier, when fish and eggs are bought at a higher price. Therefore, particular illnesses, even if frequent, should not be given as a reason for dispensing from the fast in the future, unless perhaps all

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citizens suffer from the same illnesses due to some corruption of the air; nor should the prices of herbs, oil, fish, and eggs be considered so important that the entire city, or diocese, should seek to be excused from the Lenten fast and abstinence. Now, if you seek from us true and legitimate reasons for obtaining this dispensation, we shall consider two, the first of which is derived from canon law, and the second from the experience of things themselves. Innocent III, whom we mentioned above, in the same chapter, "Concerning the observance of fasts," to the Archbishop of Braga, who asked him what penalty should be imposed on those who had not abstained from meat during Lent, due to extreme poverty and hardship, so that many would perish from hunger, replied with these words: "But when you ask what penance should be imposed on those who, during the days of Lent, at a time when such great famine prevailed that a large part of the people would perish due to a lack of food, were forced to eat meat; we answer that we do not believe that they should be punished in such a case. However, you should pray to the Lord for them, and be with them, so that nothing of this may be imputed to them, because it is the duty of good minds to fear sin, where sin is least present." If any bishop, following the example of the Archbishop of Braga, were to seek the same advice from the Apostolic See at this time, he would be considered foolish and simple-minded, but in that most blessed age of the Church, the precept of Lent was held to be of the utmost importance. Therefore, those who seemed to have the least reason for breaking the fast were severely reprimanded, even if such a reason existed, so that even children seemed to be subject to the same precept; nor was there any consideration given to the leading men, even if their safety was considered to be linked to the well-being of the republic; as we have often shown in the fifteenth chapter of the first book of our Institutions. But setting aside these and other things that we could add to this matter, we shall first consider that, according to the response of Innocent III, the Lenten abstinence can be excused...

[*Latin ed. p. 498*]

An entire city, or diocese, in which the things necessary for observing the Lenten fast are not available. Therefore, if it is truly impossible to obtain oil or fish in a certain place, it is permissible for the inhabitants of that place to use milk and eggs; and if these are also lacking, the faculty to eat meat, provided it is wholesome, will be granted, always with the condition that the observance of fasting be maintained. The island of Santo Domingo in America is subject in temporal matters to our most beloved son in Christ, King Lewis of the Franks, and there is no bishop presiding over it. The Prefect of the Society of Jesus asked us in the year 1742 whether, from the dispensation granted to him by the Apostolic See concerning the eating of meat, eggs, and dairy products during times of fasting and Lent, it could be said that he had also been granted the faculty to dispense not only to partic-

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ular individuals, but also to a multitude of people, and to all the inhabitants of his district, when he judged it expedient before God. After receiving this response, he petitioned that the faculty to grant dispensation to particular individuals be confirmed, but not to a multitude of people, nor to all the inhabitants of his district. He explained the poor quality of the fish, the small number of fishermen who, coming from a distance, brought either rotten or decaying fish due to excessive heat; the poverty of the people, who could not afford to buy oil necessary for Lenten foods; and finally, the lack of vegetables and legumes, which in that region easily rot or are consumed by worms. The matter was then promptly discussed before us in the general congregation of the Holy Roman and Universal Inquisition on April 12, 1742. Considering the remoteness of the region, from which it was impossible to appeal to the Apostolic See each year, and considering the necessity of the faithful living on the islands under French jurisdiction in America, we granted the Prefects of the missions in those parts the faculty, in the case of true and undeniable necessity, and only from year to year, and only as long as that true necessity persisted, and in no other way or manner, to dispense to the faithful entrusted to their care regarding the eating of eggs and dairy products, and even of meat, during Lent, with the condition that, along with such dispensation, the observance of fasting be maintained through a single meal.

[*Latin ed. p. 499*]

And with the conscience of these aforementioned officials burdened, if they had not used the conceded faculty with the utmost circumspection, according to the prescribed limits. But let us now proceed to experience. Fifteen years ago, a disease spread almost throughout Europe, which caused inflammation of the chest, in such a way that this fatal plague originated from one city to another, and from one province to another. This occurred in the years 1750, 1755, and 1740. Although this disease, which afflicted all classes and ages of people, only caused inflammation in the chest, it nevertheless brought extreme harm to the elderly, who were already weakened in their advanced age: for acute and mortal fevers followed from it. The same disease also endangered the younger, even those who had a slight ailment in the chest. Finally, the chests of many were so weakened that very serious consequences resulted. Other writers and physicians clearly testify that diseases of this kind, which cause inflammation of the chest with great danger, have led the sick to the brink of death. Therefore, if medical professors, urged and warned to answer nothing contrary to truth, unanimously agree (as happened to us ourselves, when we were still in Bologna) that the disease is of such a nature as we have mentioned above, so that no age can be free and safe; and if they affirm that even those who are counted among the healthy citizens are in danger; and if, furthermore, they assert that it is highly beneficial to prevent or avoid such a plague,

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if both the sick and the healthy abstain from fish, oil, and sometimes also from milk and eggs; if, I say, the situation is such, then there is undoubtedly sufficient reason, based on experience, and which has always been proven, and will always be proven, to hold that a people, or a city, should not be bound by the precept of abstaining from meat. No difficulty should deter you from consulting the most distinguished physicians. It is also necessary to take care that they do not fail to testify in writing what they truly feel; for if this condition is lacking, no city or diocese will ever be granted the faculty of eating meat or dairy products during Lent: because this is necessary.

[*Latin ed. p. 500*]

It seems evident. Furthermore, it is also the case that physicians, with a certain incredible facility, are accustomed to declare particular citizens exempt from the precept of Lent, and immune (regarding which, you must be most seriously warned, lest you excessively burden your souls by granting such indulgences); but when the same rule is proposed for all citizens, then we ourselves have experienced that they are difficult, anxious, and troubled. Finally, if they should examine those things which the most distinguished medical authors have published in Italy and beyond, they will easily discover that abstinence from food and frugality are greatly recommended by them, and that a distinction is made between diseases, and that, for certain reasons, it is shown that in the treatment of some diseases it is by no means necessary to substitute fish, oil, and herbs with meat and dairy products; but in others, it is most helpful if, when fasting is prescribed, the sick use oil or milk instead of meat. Finally, they will observe how diligently and carefully they write about ailments of the chest, when they generally urge that they should not be afflicted with the same disease that still remains unharmed among the healthy.

We have considered it necessary to point these things out to you. The remaining matter is that we urge you not to readily undertake the business of seeking permission to use meat and dairy products during Lent for the entire city or diocese. For, indeed, the custom must finally be abolished, by which, for so many years, these things have been granted in certain places. Moreover, you will also discover through experience that even for delicate and soft individuals, abstinence during Lent causes no harm, nor are more people recorded among the sick or dead for this reason. We ourselves have followed this principle and practice in Rome and Bologna (whose See we still hold), when the time of Lent was recently observed. If you also do this, and you do not readily request from us the permission for the entire city or diocese to disregard the Lenten abstinence, or (if you deem it necessary) that a request for dispensation be brought to us, but only under the aforementioned conditions, then not only will those fruits result that we have already indicated, but you will also avoid shame, and you will likewise share in the burden that we bear, while we, in turn, will be least displeased

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by your obedience. Finally, we embrace you all with heartfelt affection, and we impart the apostolic blessing upon you and your people.

[*Latin ed. p. 501*]

We are concerned. Given from the fortress of Castri Gandulphi on the 10th of June, 1745. In the fifth year of Our Pontificate (1). (1) Herein are presented certain more recent responses of the Holy Apostolic See concerning fasting. These excerpts are taken from the very useful work, entitled "De digiuno et della quaresima, lettere due di Giuseppe Righetti, sacredote romano, etc.," published again in Rome by the printers in the year 1834. We have endeavored to translate these into Latin.

1. To the question: Whether, during the days of fasting, one may invert the times of eating, by taking a late snack before the 10th or 11th hour of the morning, and postponing lunch until the 4th or 5th hour of the evening; the Sacred Penitentiary, on the 10th of January, 1834, judged that, if there are some reasonable reasons for the aforementioned arrangement, those who follow this practice should not be disturbed.

2. To the question: Whether, if the head of a family, for whom there is someone in the same family who has been dispensed from eating meat, may extend this dispensation indiscriminately to all the workers of the same family; (that is: Whether the head of a family, if someone from within his family has obtained permission to eat meat, may extend that dispensation to all members of the same family); the Sacred Penitentiary, on [date not provided], judged that infirmity and any other reasonable impediment, with the advice of both physicians, but not gluttony, avarice, or a general desire for economy, can exempt one from the precept of abstinence on days of fasting.

3. To the question: Whether, during Lent, if the head of a family is dispensed from eating meat, and if he cannot or does not wish to provide two meals, one of meat and the other of Lenten fare, the children of the family and those in his service may eat meat; (that is: Whether, during Lent, if the head of a family is dispensed to eat meat, and he cannot or does not wish to provide two meals, one of meat and the other of Lenten fare, may the children of the family and those in his service eat meat); the Sacred Penitentiary, on the 16th of January, 1834, judged that those who are under the authority of a father of a family, to whom a legitimate permission to eat meat has been granted, may be permitted by that father of a family, with the condition that the permitted and forbidden foods are not mixed, and that only one meal is taken in the day by those who are bound to fast.

4. To the question: Whether those who are dispensed from observing the fast because they exercise laborious arts, may, during Lent, when the dispensation to eat meat and dairy products (for a single meal) is granted, make use of meat and dairy products as often as they need to eat during the day, just as on Sundays of the same Lent, when the fast is not obligatory;

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(that is: Whether those who are exempt from the precept of fasting because they exercise laborious arts, may, during Lent, when the dispensation to eat meat and dairy products (for a single meal) is granted, eat meat and dairy products as often as they need to eat during the day, just as is the case on Sundays of the same Lent, when the law of fasting is not obligatory); the Sacred Penitentiary, on the 16th of January, 1834, by order of the blessed memory of Pope Pius VII, responds that the faithful, who are not bound to fast because of their art or labor, may lawfully, during Lent, when a dispensation has been granted, eat meat or dairy products, as permitted by that same dispensation, as often as they eat during the day.

[*Latin ed. p. 502*]

ENCYCLICAL LETTER IV. CONCERNING THE OFFERING FOR THE MASS.

HOW MUCH care should be exercised so that the most holy sacrifice of the Mass be celebrated not only with all religious devotion and reverence.

5. Regarding the question: Whether those who, by reason of age or labor, are not bound to fast, are subject to the law concerning the mixing of meat and fish, when meat is permitted by dispensation; the Sacred Penitentiary, on February 13, 1834, responded: Consult approved authors.

6. Regarding the question: A confessor asked His Holiness whether those who are dispensed from eating meat on Fridays and Saturdays during the year, in which there is no obligation to fast, are permitted to mix foods, notwithstanding the response given by Benedict XIV to the Archbishop of Saragossa through the Secretariat of Memorials on January 5, 1755: (that is: a certain confessor asks His Holiness whether a dispensation to eat meat on Fridays and Saturdays throughout the year, in which there is no obligation to fast, permits the mixing of foods, notwithstanding the response of Benedict XIV to the Archbishop of Saragossa on January 5, 1755); the Sacred Penitentiary, on February 15, 1834, after carefully considering the matter and after reporting it to the Most Holy Pope Gregory XVI, at his command, responded: It is permitted.

7. Regarding the question: Whether, during the days of fasting prescribed by Pope Pius VI, in which dairy products are permitted, and to whom the use of meat is permitted because of infirmity, the mixing of meat and fish is forbidden; the Sacred Penitentiary, on January 8, 1834, responded: Affirmative, namely, it is not permitted to mix them in that manner.

8. Regarding the question: Whether the law forbidding the mixing of foods includes dried fish, commonly called "salumi," that is, anchovies, tuna, caviar, herring, and similar things, or rather, whether they can be mixed as a seasoning for another dish; the Sacred Penitentiary, on January

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16, 1834, responded: Dried fish is to be forbidden to be mixed with meat, whenever the mixing of meat and fish is forbidden.

9. Regarding the question: Whether, during the time of fasting to which the use of meat is permitted, it is permissible to mix shellfish, which are improperly called "fruits of the sea," but are commonly considered fish, that is, oysters, clams, scallops, sea urchins, crabs, etc. (that is, in French: oysters, clams, scallops, crayfish, etc.; in German: oysters, mussels, scallops, crabs, etc.); the Sacred Penitentiary, on January 16, 1834, responded: Shellfish, which are improperly called "fruits of the sea," but are commonly considered fish, are to be forbidden to be mixed with meat, whenever the mixing of meat and fish is forbidden.

10. Regarding the question: Whether those who are dispensed from the quality of foods can, on days of fasting, consume only broth to provide for their health, and in this way abstain from substantial foods in order to observe the law of abstinence as much as possible; (that is: whether those who are dispensed from the quality of foods can, on days of fasting, take only broth (in French, bouillon; in German,

[*Latin ed. p. 503*]

It is not only to be feared, but also that, in order that the dignity of so great a sacrifice may remove from the minds of all men all kinds of rewards, agreements, and burdensome and unseemly demands for alms, rather than requests, and other similar things, which are either very close to the simoniacal heresy, or certainly to a shameful greed, be removed from the midst, that no one among the cultivators of the Catholic faith is ignorant. But, alas, as we have learned with great sorrow from all sides, the avarice of some, whether ecclesiastics or laymen, which is the servitude of idols, has led them to collect alms or stipends for the celebration of Masses, according to local customs, or the decrees of diocesan Synods, solely for the support of the sustenance of each priest, as prescribed by the opportunities of the region; and then to arrange for the Masses to be celebrated elsewhere, where the alms or stipends, whether by custom or by synodal law, are of a lower price for each Mass than where they are received. Everyone clearly understands, and it cannot be otherwise, how far this is from the expressed or tacit will of those who offer alms; for each one certainly desires that the Masses be celebrated in that place to which he is drawn by the incentives of religion and piety, or in which someone is perhaps buried, rather than in another church entirely unknown to him. This, indeed, is not only suspected of avarice and vice, but also of the crime of theft, from which restitution is due, and is the reason why many, to whose knowledge this kind of business has come, are greatly offended, and therefore refrain from offering alms for the celebration of Masses, preferring to consult with physicians about their health, and to eat nourishing foods in order to preserve, as far as possible, the law of

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abstinence. The Sacred Penitentiary, on February 8, 1328, after carefully considering the circumstances, responds affirmatively. 11. To the question: Whether, when an indulgence is granted, either by a bull or for some other reason, for the use of clarified lard (commonly called "strutto"), those who are bound by fasting may lawfully use that condiment, even in the evening meal; the Sacred Penitentiary, on January 16, 1854, responds: that those who are bound by fasting may lawfully use condiments permitted by the indulgence, even in the evening meal: because those condiments, by virtue of the indulgence, take the place of oil, provided that there is no restriction in the indulgence that these condiments may be used in a single meal.

[*Latin ed. p. 504*]

Let them abstain. Our predecessors, the Roman Pontiffs, who detest this execrable abuse, which is gradually reappearing in some places, with the counsel of the then Congregation of Cardinals of the Holy Roman Church for the Universal Inquisition against heretical perversity, and the Congregation of Cardinals of the Council of Trent, decreed that no priest should be able to receive a stipend or alms of greater value for the celebration of Mass from any person, than can be given to another priest celebrating such a Mass, even if the priest celebrating the Mass, and consenting to receive the larger stipend or alms, should indicate that he has received a stipend or alms of greater value. Therefore, venerable Brothers, to whom we are joined in the service of the Apostolic ministry and in our concern, we earnestly request and exhort you in the Lord, to keep watch over your flocks, that this pestilence may not spread further, but may be utterly extinguished. For from avarice, as from a root, all evils spring forth, by which some, desiring it, have strayed from the faith, and have brought upon themselves many sorrows. Indeed, there is no more powerful contagion than avarice, which more infects and destroys the opinion of priestly dignity and perfection among all. Avarice, teaching to put God aside for the sake of riches, and to serve mammon, causes it so that the avaricious shall have no inheritance in the kingdom of Christ and of God. And if this is scarcely tolerated in laymen, and indeed is to be restrained by laws, what then in ecclesiastical men, who have proclaimed the Gospel concerning earthly things, who have been called to the lot of the Lord, who are devoted to God? What, if they are driven to avarice with such eagerness, not through worldly gains, but through the ministry of the altar, so sordidly, and with contempt for the most sacred laws, and with dishonor to the priestly character? Therefore, contend, venerable Brothers, to whom the care of Christ's sheep has been entrusted, not only that you may be a sweet fragrance of Christ in every place, so that the people may follow your example; but also that you may turn away both ecclesiastical and lay men from the infected pastures of vices, and teach them to run to the heavenly fold through the way of God's commandments. Moreover, so that the present penalties may be more read-

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ily obeyed through salutary warnings; make it known to all, by an edict to be posted in your dioceses, that whoever...

[*Latin ed. p. 505*]

When, in celebrating, as local customs or Synodal statutes require, he gathers offerings, retaining for himself a portion of the same alms or stipends received, whether he celebrates the Mass himself or has it celebrated elsewhere, where smaller stipends or alms are given for the celebration of Masses, a layperson, besides other penalties at your discretion, shall incur the penalty of excommunication; and a cleric or any priest shall incur the penalty of suspension by this very act; and no one shall be absolved from these penalties except by us ourselves, or by the Roman Pontiff for the time being, unless he is at the point of death. We trust, however, that each one, remembering his condition, will henceforth carefully consider the good of his soul, and will not disregard these salutary laws and ecclesiastical censures. Meanwhile, we impart to your fraternities our apostolic blessing, which we earnestly hope will extend to the people entrusted to your care. We wish that these present letters, or copies thereof, even printed, signed by the hand of a public notary, and sealed with the seal of a person constituted in ecclesiastical dignity, may have the same full faith and authority in judgment, and be used externally, as would be given to the originals themselves, if they were presented or shown. Given at Rome, near the Basilica of Saint Mary Major, under the Fisherman's ring, on the thirtieth day of the month of June, in the year one thousand seven hundred and forty-one, in the first year of Our Pontificate.

ENCYCLICAL LETTER V. CONCERNING THE PAROCHIAL AND CONVENTUAL MASS. ALSO, CONCERNING THE SINGING OF DIVINE PSALMS. We gladly embrace the opportunities always offered to us to direct an Apostolic letter to your fraternities, so that the arguments of our sincere love for you may frequently shine forth; and all the more readily we do this when we are moved by the present circumstances or conditions of things, to stir up the zeal of your fraternities for the preservation of proper discipline among the clergy entrusted to your care. For we cannot otherwise sustain the burden of caring for all the Churches, which has been imposed upon our weakness.

[*Latin ed. p. 506*]

We confidently trust that, if the increase of divine worship, and the diligent observance of ecclesiastical regulations in each diocese, are repeatedly instilled and encouraged by the zealous care of watchful pastors, [these things will flourish]. The occasion and argument for writing this letter to you, above all, is this: the duty that lies upon all who care for souls, namely, to apply the parochial Mass for the benefit of the people entrusted to their care; then also, the application of the conventual Mass, which is

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to be offered for the benefit of benefactors in general by those who sing Mass in patriarchal, metropolitan, cathedral, and collegiate churches; and finally, the obligation of chanting, by which the canons of the aforementioned churches are bound to assist in the choir. Indeed, this argument is not new, but has been frequently treated by writers; and since these matters have been repeatedly discussed and defined in the Congregations of this most holy City, and especially in the Congregation of our venerable brothers, the Cardinals of the Council of Trent, whose secretarial duties we ourselves performed for many years in minor positions, and although the decrees of those Congregations have generally appeared uniform and consistent with themselves, and some of their Decrees have even merited the approval and confirmation of our predecessors, the Popes; nevertheless, it would be no great wonder if the knowledge of these things has not yet reached each and every one of you. Therefore, we have considered it not only opportune, but also necessary, to write this Encyclical Letter to you, so that, by removing, at long last, the variety of opinions into which writers have strayed, the constant opinion of this Apostolic See may be made known to everyone regarding these matters, and that it may provide a kind of norm and rule for your fraternities, according to which you may direct your synodal and other constitutions, ordinances, or edicts concerning the aforementioned matters, the publication of which we enjoin upon you. Furthermore, you must strive with all due diligence and vigilance to ensure the execution of these things, according to those things which we prescribe here to be observed and maintained, so that you may not doubt that appeals to the tribunals of this our court, which might perhaps hinder or delay the implementation of your statutes, are to be entirely rejected.

[*Latin ed. p. 507*]

Therefore, we begin and command: wherefore, we will that these very letters of ours be preserved in the records of each tribunal, and that judgments be demanded and conferred concerning both the resolutions of these very tribunals, as well as concerning the decrees which you will publish pertaining to the matters present here. And indeed, as we recently declared, the most holy sacrifice of the Mass ought to be applied by pastors of souls for the benefit of the people entrusted to their care, which, as if descending from a divine precept, is clearly expressed by the most holy Tridentine Council, session 23, chapter 1, concerning Reform, with these notable words: "Since it has been commanded by divine law that those to whom the care of souls has been entrusted should offer a sacrifice for their flock, they ought to offer this sacrifice for them." And although some have scarcely failed who, through vain and frivolous interpretations, have sought to remove or at least diminish this obligation mentioned by the holy Council, when the words of the Council are sufficiently clear and evident, and when the aforementioned congregation of the same Council has constantly af-

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firmed that those to whom the care of souls has been entrusted ought not only to celebrate the sacrifice of the Mass, but also to apply its fruit for the benefit of the people entrusted to them, and that they ought not to apply it for others, or to receive alms for such application; and furthermore, since this understanding has been approved and confirmed by our predecessors, the Roman Pontiffs, nothing more remains for any of you to desire, but to embrace it and to obey it, and to diligently strive for its prompt execution in your respective dioceses. And yet, we, who, as we mentioned above, for many years held the office of secretary of the aforementioned congregation of the Council of Trent, and who have frequently passed through the governance of the cathedral of Ancona, and also of the metropolitan of our most beloved homeland, Bologna, which we still hold; we say, we are not unaware of the various kinds of evasions through which some seek to avoid fulfilling the aforementioned obligation, and therefore it is fitting that we address them appropriately. For the holy Council of Trent, lest the care of souls be neglected, in several places commands the bishops to ensure that...

[*Latin ed. p. 508*]

Moreover, when it has been determined that this is fitting, let them choose and appoint suitable Vicars, with a certain assignment of fruits, to exercise this same ministry, as is evident in session 6, chapter 2; session 7, chapters 5 and 7; session 21, chapter 6; session 25, chapter 16. It often happens, however, that when a parish church is vacant, a Vicar must also be appointed by the Bishop to fulfill the duties of that church, until a new pastor is elected, as the Council of Trent commands in session 24, chapter 28, concerning reform. Some of these Vicars, however, endeavor to exempt themselves from this obligation, either because, while another or others have habitual care, they only exercise actual care; or because they are removable at the will of another; or because they are only temporarily assigned to this ministry; and we shall say nothing here about regular pastors, who are sometimes seen to be detached from the application of the Mass for the people. Therefore, our opinion and judgment is, as it has also been judged and determined by the aforementioned Congregations, that all and each who actually exercise the care of souls, not only secular pastors and Vicars, but also regular pastors and Vicars, in a word, all and each of those mentioned above, and others who are worthy of specific and individual mention, are equally bound to apply the parochial Mass for the people, as has been stated, having the care of those souls entrusted to them. Some, however, often allege that they do not have sufficient revenues to properly support their parishes, in order to avoid fulfilling this obligation; others finally resort to long-standing custom, claiming that it has never been the practice, either for themselves or for their predecessors, for a very long time, which they claim is beyond memory. We, however, extend our approval and confirmation to the preceding resolutions of the

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aforementioned Council of Congregations; and, as it is necessary, by the authority of the Apostolic See, we again decree and declare that, although pastors, or others as mentioned above, who have the care of souls, may lack suitable revenues, and although an ancient or even long-forgotten custom may prevail in their dioceses or parishes, whereby the Mass was not applied for the people, nevertheless, they must, nonetheless, apply it entirely in the future. However, having said this, all who have the care of souls...

[*Latin ed. p. 509*]

We have not wished to decree that the sacrifice of the Mass should be offered for the people to whom the priest is assigned, so that they, whether they celebrate daily or only occasionally, should be bound to this offering for the people. Indeed, the most holy Council of Trent, in session 23, chapter 14, commands bishops to see to it that priests celebrate the sacred Mass at least on Sundays and on solemn feasts; but if they have care for souls, they should celebrate Mass more frequently, so that they may fulfill their duty. Furthermore, in several synodal constitutions of bishops, we know that certain days have been provided and designated on which pastors of souls must celebrate Mass. However, we have undertaken to decree only one thing in the present instance, namely, when those [priests] are bound to celebrate and offer the Mass for the people; and although we are aware that it has been answered by the Congregation of the Council on other occasions that a parish priest who is endowed with substantial revenues should celebrate and offer the Mass daily for the people, while he who does not enjoy such abundant revenues should perform this very act only on feast days: since, moreover, controversies have arisen concerning this very matter, namely, to what sum the revenues of a parish church must amount in order to be called substantial and abundant; and since also the complaints of many against such a decree, as being too rigid, are brought to our attention: therefore, we consider it fitting to declare to your brotherhoods that we shall be sufficiently satisfied, and that it will therefore be sufficient for you, if those who have care for souls celebrate and offer the sacrifice of the Mass for the people on Sundays and on other feast days of precept throughout the year; since the aforementioned Sundays and other feast days are those on which, according to the decree of the Council of Trent, in session 5, chapter 2, and in session 24, chapter 4, every pastor of souls is to feed the people entrusted to him with salutary words, teaching them those things which all must know for their salvation; and since these are the days concerning which the same holy Council decreed that the bishop should diligently exhort the people to ensure that each member of his parish, if it can be done conveniently, attends the hearing of the word of God, and on which the pastors should instruct their subordinates in the Christian doctrine, according to what was decreed by the aforementioned

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Council.

[*Latin ed. p. 510*]

In the cited text, chapter 4, it is prescribed to bishops that they diligently ensure that, at least on Sundays and other festive days, the fundamentals of the faith, and obedience to God and parents, are taught to the children in each parish by those to whom this duty pertains. And because, in some dioceses, the number of festive days by precept has been reduced, by our authority and with the consent of the Apostolic See, to the extent that, on certain feasts, the faithful are obligated to attend Mass and abstain from servile works; while on others, it is permitted for the people to engage in servile works, with the firm obligation of attending the sacrifice of the Mass remaining; we, in order that all doubts concerning the obligation of the parish Mass on such festive days may be completely eliminated, decree and declare that, even on those festive days on which the people are obligated to attend Mass and may engage in servile works, all those who are concerned with the care of souls are obligated to celebrate and apply the Mass for the people. Furthermore, because it is often sufficiently known through experience that some pastors are so poor that they are compelled to live almost entirely from the alms received from the faithful for the celebration of Masses; and that those who, while the parish church is vacant, are appointed to the care of souls under the title of vicars or administrators, are in some places treated so ungenerously, with such meager incomes established for them, and with only a few uncertain revenues available to them, that these are scarcely sufficient for the necessities of their lives; and that it also frequently happens to those who, while others remain in habitual care of a church, are only actually engaged in its administration, that it would seem excessively harsh to forbid them, on festive days, when such an opportunity is most readily offered, from receiving alms for the application of the Mass: Therefore, deeply pitying the poverty of these, as well as those others, and wishing to help them as far as it is proper for us; although, as stated above, all and each of the aforementioned are obligated on festive days to celebrate and apply the Mass for the people; nevertheless, with regard to the aforementioned poor pastors, we grant to each of you the faculty of making suitable dispensations to those whom you know to be such, so that, even on such festive days, they may freely and lawfully receive alms from any pious person offering them, and apply the sacrifice for that person, to the extent that it is requested by that person.

[*Latin ed. p. 511*]

It shall be so; but for the necessary benefit of the people. Let the Mass be celebrated in the parish church; and yet, with this condition, that as many Masses as have been offered within the week for the people, so many shall be applied within the same week, on the feast days that occur within that

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week, according to the particular intention of another pious benefactor. As for vicars, or the administrators of vacant churches, since the sacred Council of Trent, cited above, session 24, chapter 18, grants to each Bishop the power to appoint and establish them, with a suitable assignment of a portion of the fruits, at his discretion; it will be your duty, venerable Brothers, to act with those who demand the fruits of vacant churches, so that a suitable increase may be granted to the needy vicar, who enjoys a meager assignment of certain fruits, and with a few uncertain revenues, for the burden of celebrating and offering Mass for the people on feast days. Therefore, for those places in which the fruits of vacant churches are demanded for the benefit of our apostolic Chamber, we direct appropriate instructions to our general treasury, which will not fail to inform the particular collectors of said places, with whom the ecclesiastical Bishops of our jurisdiction, and of other places, in which, as is stated, the fruits of vacant churches belong to the aforementioned Chamber, must perform their duties, for the purpose of which we have spoken above. And finally, with regard to those who, as vicars, whether perpetual or temporary, administer the care of souls, residing with others, by reason of a parish church, in their churches, or monasteries, colleges, or pious institutions formerly united; although a certain portion of the fruits of such institutions was prescribed to be assigned to these vicars, as is clearly stated in the constitution of our predecessor, Pope St. Pius V, which begins, *Ad exequendum*, dated Kalends of November in the year 1617; nevertheless, if the prescribed portion of fruits is not assigned to the aforementioned vicars in any way, or not entirely, or even if that which has been assigned to them according to the aforementioned constitution is deemed barely sufficient, due to the circumstances of the times, and especially for the fulfillment of the obligation of celebrating and offering Mass for the people on feast days by order; you must use the power that the Synodus [Council] has granted to Bishops.

[*Latin ed. p. 512*]

Trident. sess. 7. c. 7. permitted that, according to the judgment of the prelates, a suitable portion of the fruits be assigned to the aforementioned vicars, according to the time and the burden of obligations; for this reason, we also provide to your Fraternities all the necessary and appropriate means, with whatever appellations, privileges, or exemptions, as is sanctioned in the same Council, so that they may not hinder those things which you have prudently established. Therefore, we have judged it necessary to establish this concerning the parochial Mass, and to announce it to your Fraternities. And proceeding from this, concerning those things that pertain to the conventual Mass, we do not think it should escape anyone that the sacred Canons prescribe that, in patriarchal, metropolitan, cathedral, and collegiate churches, both the canonical Hours should be recited in the proper manner and form, and also that the conventual Mass should be

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celebrated; which are so clear that no doubt can arise concerning them, and on this matter, the resolutions of this venerable Congregation, repeatedly issued by our Brothers, the Interpreters of the Council of Trent, are equally clear and uniform. We confirm and approve all of these with our apostolic authority, and we earnestly urge you to put them into effect, so that the conventual Mass, which is sung daily by the clergy of the aforementioned churches, may be applied daily for the benefit of those who contribute to those churches; in exactly the same way as we declared above that the parochial Mass should be applied by those who have charge of souls, for the benefit of the people entrusted to them, at least on certain festive days by order. Therefore, take care to eliminate the false opinion of some, which we know to have been introduced in some churches, either through malice or through error: namely, that it is considered sufficiently fulfilled to apply the conventual Mass for a certain benefactor of the church, or out of gratitude, or by virtue of an obligation imposed, and that this satisfies the obligation of applying the conventual Mass. Indeed, such an obligation does not concern particular benefactors, but the benefactors in general of any church, to whose service all those are bound who in that church hold dignities, or canonries, or prebends, or choral benefices, and who celebrate the conventual Mass in their respective turns. Furthermore, you should know that the opinion of others is also to be approved,

[*Latin ed. p. 513*]

Those who believe that the aforementioned obligation is sufficiently fulfilled, in some churches, prayers are offered in their name as benefactors, or sacrifices are offered for them on designated days. No one ought to presume to satisfy the imposed obligation in any other way than that which has been repeatedly prescribed by ecclesiastical law; namely, by celebrating the conventual Mass daily for the benefactors, and by applying it for them in general. Indeed, not only in the earlier centuries of the Church, but also in times not long past from our own age (which we do not doubt you have learned from Church history), it was formerly observed in each church a careful record of all and each of those whose generosity had increased it, and their names were recorded in sacred diptychs (as they are called), so that their memory would never perish, and so that prayers might be offered for them, and also the sacrifice of the Mass might be offered. For this reason, the aforementioned catalog was also accustomed to be placed before the eyes of the celebrating priest in many churches, although these same pious benefactors had made no explicit agreement for themselves in their donations, but had declared that they were offering their gifts to God only for the remission of their sins. The prelates of churches, indeed, have judged it necessary to order prayers to be offered for them: although they themselves, offering their own gifts, had not said a word about it. The use of such sacred diptychs has diminished; and therefore, the names of

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some benefactors lie forgotten. But for this reason, it is not permissible to abandon the practice, and the discipline of praying for them, and of offering the sacrifice of the Mass for them. And from this, the precept of applying the conventual Mass for the benefactors in general derives its origin and reason. As, speaking of the parish Mass, it has been said above that various excuses are commonly offered to avoid its application for the people on holy days by order, so it has also become customary regarding the daily application of the conventual Mass for the benefactors in general. But as the former excuses were prudently removed by opportune resolutions of the Council of Trent, so also these latter have been. We therefore approve and confirm these resolutions with our authority. Some, indeed, citing contrary custom, also...

[*Latin ed. p. 514*]

It has been deemed unforgettable within their own Church, and they have persuaded themselves that they can be excused from such an obligation. But it has already been answered many times that no one can be excused from such a custom, even if it is deemed unforgettable, which is rather to be called an abuse and a corruption. Others have wished to excuse themselves from offering the Mass for the benefactors of the Church in general, on the grounds that they are burdened with other liturgical duties, either by reason of their own canonry, or by another ecclesiastical benefice which they hold simultaneously with their canonical position; or because, besides the duties of a canon, or a beneficiary, or a residentiary in the cathedral or collegiate church, when they also exercise parochial care in the same, or another parish, while chanting the conventual Mass on feast days by order, they must apply it for the benefit of the people entrusted to them, and therefore they cannot offer it specifically for the benefactors of the Church. But even to these, provision has been made, ordering each of the aforementioned to apply the conventual Mass which they chant for the benefactors of the Church in general, and to substitute another Mass for those for whom they are specifically required to offer the Mass, so that another may celebrate and apply such a Mass in their place. Others have also objected that the conventual Mass is not always celebrated by canons, or dignitaries, but sometimes also by beneficiaries, or residentiaries, and that it seems less appropriate for these to lack all clemency in the celebration of the Mass, from which they might derive benefit, which is unknown. But even to this, provision has been made, ordering that it be taken from the mass of distributions. Finally, others have pointed out the inadequacy of such distributions, which, because of the daily clemency lacking for the conventual Mass, would be reduced to almost nothing, and it would hardly be possible for anyone to care for them, to the great detriment of the service of the Church. Indeed, the Council of Trent, in session 24, chapter 15, shows suitable reasons by which the poverty of canonical benefices can be

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provided for. If, however, the designated path by the Council cannot be followed, as often happens, then it is necessary to appeal to the Congregation of the Council: whose duty it is, having considered the state of affairs from your reports, with the authority granted by our predecessors to them by the Apostolic See, and confirmed by us in the present document.

[*Latin ed. p. 515*]

The daily application of the conventual Mass for benefactors, in general, as in other cases, should be restricted only to feast days. Not only is it prescribed for patriarchal, metropolitan, cathedral, and collegiate churches that the conventual Mass be celebrated daily therein, but also in the general rubrics, which we commend to the careful observance of your fraternities, it is prescribed that on certain days, not one, but two, and sometimes even three, conventual Masses should be celebrated on the same day. Therefore, since we have recently stated that the first conventual Mass should be celebrated and applied daily for benefactors in general, it now remains to be explained whether the chapters of those churches subject to your respective jurisdiction are obliged to apply other Masses as well, if more than one should be celebrated, for benefactors in general. This question has been proposed to our venerable brethren of the aforementioned congregation, interpreters of the Council of Trent, by some of you who are zealous in ecclesiastical matters. And it had already been determined by the same congregation that an exemption could be granted from the obligation of applying the second and third conventual Masses for benefactors in general, in consideration of the tenure of canonries and benefices; from which it could be inferred that the obligation of such application remained where the matter concerned poor churches. However, since we know that the rule for resolving this question was not firmly established in the aforementioned congregation by long-standing observance, and since the same congregation has recently deemed it advisable to submit the solution of this doubt to our judgment; we judge as follows, and we declare this to you, that those who spontaneously apply the second or third conventual Mass for benefactors in general are to be praised and encouraged; but those who do the same by force of custom prevailing in their own churches are to be instructed to persevere in that custom. Where, however, such custom is not found to exist, the free celebration of the second and third conventual Masses should be permitted, provided that they do not forget to offer a Mass in commemoration for the departed, and for the benefactors of the church in general. With this, we bring our letter to a close, Brother.

[*Latin ed. p. 516*]

We earnestly exhort you, that you devote the utmost care and diligence to this matter, so that in your churches, besides the devout celebration and proper performance of the conventual Mass, the canonical hours may

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be sung not hastily, but exactly, with a suitable pause inserted, and with the greatest reverence and piety befitting. Indeed, we know that in some metropolitan and cathedral churches, it has been the opinion of some canons that they sufficiently fulfill their duty by merely being present in the choir, even if they remain silent, and do not join in the singing, nor assist the psalmists or those in the choir. To support this opinion, they often cite long-standing customs, special statutes, or even alleged privileges of their churches. However, when the Council of Trent, in Session 24, chapter 12, speaking of the duties and canons who ought to be present in the choir, states that one of their duties is to "reverently, distinctly, and devoutly praise the name of God with hymns and chants in the choir," and when it is evident that there are very few chapters in which the canons actually participate in this manner in the choir, and therefore that the discipline received throughout the Church applies to those few instances; and when, moreover, this opinion was never examined in the assembly of the Council of Trent, but was immediately rejected and disapproved, although it was supported by presumed customs, and other grounds and reasons, and even by canons of patriarchal churches in this city; and finally, when the same judgment is found in several provincial councils, approved and confirmed by this very Apostolic See: it seems that there is nothing left to do but that the majority should conform to the general law. Indeed, we have not found that any canons of a particular church are supported by any special title in believing that they fulfill their duty simply by being present in the choir, without participating in the divine psalmody. But unless they possess an apostolic privilege or indult, not presumed or abrogated, but legitimate and valid, it is to be feared that those who act in this manner will scarcely contribute to the fruits of the endowments and distributions; and consequently, they may be required to make restitution. Therefore, it is incumbent upon you, venerable brothers, to make all these things clear to them, so that neither...

[*Latin ed. p. 517*]

May you not be defrauded before the divine Judge, if, in a matter of such great importance, namely, one which pertains most closely to the worship of God itself, we are found to have fostered and strengthened, through our dissimulation and silence, the abuses and corruptions which we ought to have exposed and reprehended. To our esteemed Brothers, whom we embrace with the deepest affection of our heart, we impart our apostolic blessing. Given at Rome, near Saint Mary Major, on the nineteenth day of August, in the year 1744, in the fifth year of our pontificate. ENCYCLICAL LETTER VI. ON USURY. Scarcely had the news reached our ears, when, due to a new controversy (namely, whether certain contracts ought to be considered valid), some opinions began to circulate throughout Italy, which seemed to be contrary to sound doctrine; and, considering it

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opportune to fulfill our apostolic office, we deemed it necessary to provide a remedy, lest such an evil, through the passage of time and silence, acquire greater strength, and lest access be granted to it, so that it might spread more widely and undermine the cities of Italy which are still unharmed. Therefore, we undertook that course of action and deliberation which the Apostolic See has always been accustomed to follow; indeed, we explained the entire matter to several of our most venerable Brothers, Cardinals of the Holy Roman Church, who are highly esteemed for their knowledge of sacred theology, and for their study and expertise in canonical discipline. We also invited several Regulars distinguished in both faculties, some of whom were monks, others from the Order of the Mendicants, and still others from the ranks of the regular clergy. We also added a Prelate adorned with the degrees of both laws, and who had long practiced in the forum. We appointed the fourth day of July, which has now passed, for them all to convene before us, to whom we explained the nature of the entire matter; which we found they had previously known and understood. After this, we ordered that, freed from all partiality and all cupidity, they should carefully examine the entire matter, and set down their opinions in writing; however, we did not expect from them,

[*Latin ed. p. 518*]

In order to render judgment on the contract, which had given rise to the controversy, and since there were not sufficient documents available which were necessary for that purpose; but also in order to establish a certain doctrine regarding usury, lest it appear that those things which had recently begun to be spread among the people would cause harm, they issued commands to all; for they declared their opinions publicly in two Congregations, the first of which was held in our presence on July 18th; the second, however, on the first of August, which months have now passed; and they also delivered in writing to the Secretary of the Congregation the same opinions. Furthermore, these were approved unanimously.

I. That kind of sin, which is called usury, and which has its proper place and basis in a contract of loan, consists in this: that someone desires to receive back, from the very loan itself, more than he received, beyond what is naturally required by the loan; and therefore, he contends that, beyond the principal, some profit is due to him by reason of the loan itself. Therefore, any profit of this kind, which exceeds the principal, is illicit and usurious.

II. Nor can any remedy be found to cleanse this vice, whether from the fact that this profit is not excessive, but moderate; not large, but small; or from the fact that he from whom this profit is demanded is not poor, but rich; nor will the sum lent to him remain idle, but will be used most profitably to increase his fortunes, or to purchase new properties, or to engage in lucrative businesses. For he is certainly proven to be acting against the law of the loan, which necessarily consists in equality of what is given and

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what is received, if anyone, once that equality has been established, still dares to demand something more from anyone, by virtue of the loan itself, for which equality has already been sufficiently provided; and therefore, if he receives it, he will be subject to restitution by virtue of the obligation of justice, which is called commutative, and which consists in preserving the proper equality of each in human contracts, and in scrupulously restoring it if it has not been perfectly preserved.

III. However, by these things, it is by no means denied that, sometimes, certain other "titles," as they say, can concur with a contract of loan, and that these very titles are in no way inherent or intrinsic to the nature of the loan itself; from which, indeed, a just and legitimate reason may arise for something more to be demanded above the principal.

[*Latin ed. p. 519*]

I. It is not forbidden to properly demand what is due in a loan. Nor is it denied that money lent by one person can be rightly placed and used by another, through contracts of a completely different nature, either to acquire annual profits, or even to engage in lawful commerce and business, and to receive honest gains.

II. However, it is clear that in all such diverse kinds of contracts, if the equality of each party is not observed, whatever is received in excess, whether it be called interest (and may all forms of usury, both open and disguised, be banished), certainly involves a true injustice, and equally obliges the recipient to make restitution. Therefore, if everything is conducted properly, and weighed in the scales of justice, there is no doubt that a lawful method and reason exists in these contracts to support human commerce, and to preserve and promote profitable business for the common good. Let it be far from the minds of Christians to think that profitable commerce can flourish through usury, or similar injustices; whereas, on the contrary, from the very divine oracle we learn that "justice exalts a nation, but sin makes a people miserable."

III. But it must be carefully noted that anyone who claims, and indeed rashly asserts, that it is always and everywhere permissible to receive an additional sum, either along with a loan, or even apart from a loan, through other just contracts, by which, whenever money, grain, or anything of that kind is lent to another, it is always permissible to receive a moderate increase beyond the principal sum, will certainly be found to be mistaken and to be in error. Thus, anyone who thinks this not only contradicts divine teachings and the judgment of the Catholic Church on usury, but also common sense and natural reason, is undoubtedly wrong.

IV. It cannot escape anyone that in many cases a person is obligated to help another with a simple and straightforward loan, especially when the Lord Christ himself teaches, "If anyone wishes to borrow from you, do not refuse him." And likewise, in many circumstances, apart from a single loan,

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there may be no other just and lawful contract possible. Therefore, whoever wishes to consult his conscience, must first diligently inquire whether a just title exists along with the loan, or whether a just contract exists apart from the loan.

[*Latin ed. p. 520*]

By means of which, he who seeks profit is rendered entirely free from fault, and immune. These words encompass and explain the sentiments of Cardinals, Theologians, and most learned men of Canon Law, whose counsel we sought in this most serious matter. We also did not neglect our own private study of the same cause, both before the Congregations were held, and during the time they were held, and even after they were concluded; for we carefully examined the opinions of the most distinguished men, which we have just mentioned. Since these things are so, we approve and confirm all that is contained in the opinions previously explained; for it seems that all the writers, both of Theology and of Canon Law, almost conspire to offer more testimonies from the sacred Scriptures, decrees of our predecessors, the authority of the Councils, and the Fathers, to confirm these same opinions. Furthermore, we have clearly learned of the authors to whom contrary opinions are attributed, and also those who fervently defend and uphold them, or who seem to offer them an opportunity or pretext. Nor are we unaware of how wisely and seriously the most esteemed Theologians in those regions have undertaken the defense of the truth, where such controversies had their beginning. Wherefore, we have addressed these Encyclical Letters to all the Archbishops, Bishops, and Ordinaries of Italy, so that these things may be made known to you, venerable Brother, and to all others; and that whenever you celebrate Synods, or address the people, or instruct them in sacred doctrines, nothing whatsoever may be presented that is contrary to the opinions which we have previously enumerated. We also strongly urge that every care be taken that no one in your dioceses dares to teach contrary things, either in writing or in sermons: but if anyone should refuse to obey, we declare him subject to and liable to the penalties prescribed by the sacred Canons against those who have contemned and violated the apostolic mandates. As for the contract which has aroused these new controversies, we have determined nothing at present, nor do we now decide anything regarding other contracts, concerning which Theologians and interpreters of Canon Law hold divergent opinions. Nevertheless, we believe that your zeal for piety and the promotion of religion requires that you demand the execution of what we submit below. First, with the most serious words, show to your people the utility of...

[*Latin ed. p. 521*]

Gluttony and usury are vehemently condemned by divine writings; in-

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deed, usury assumes various forms and appearances, so that it precipitates those who have been restored to freedom and grace by the blood of Christ, once again into extreme ruin; therefore, if they wish to invest their money, let them take great care not to be seized by the vice that is the root of all evils, but rather let them seek counsel from those who are distinguished above others for their doctrine and virtue. Secondly, those who, with their abilities and wisdom, are able to give an opinion on matters without doubt (which, however, require a not inconsiderable knowledge of sacred theology and canon law), should keep far away from extremes, which are always vicious; for some judge these matters with such severity that they accuse any benefit derived from money as illicit, as if it were connected with usury, while others, on the contrary, are so indulgent and remiss that they consider any profit to be free from the wickedness of usury. Let them not adhere too much to their own private opinions; but before giving an opinion, let them examine more writers who are considered more authoritative among others; then let them adopt those positions that are supported by reason and confirmed by the authority of learned men. If a dispute arises, and some contract is brought under examination, let no insults be leveled against those who follow a contrary opinion, nor let it be asserted that this should be noted with severe censure, especially if it is not lacking in reason and the testimonies of eminent men; for indeed, reproaches and injuries break the bond of Christian charity, and bring about a very serious offense and scandal to the people. Thirdly, those who wish to remain free from any taint of usury, and to offer their money in a pure state, and to lend it to another so that they may receive only a legitimate profit, should be warned to declare the contract beforehand, and to explain the conditions, and the profit they expect from that money. These things contribute greatly not only to avoiding anxiety and scruples of the mind, but also to confirming the contract itself in the external forum; they also prevent disputes, which are often stirred up, so that it may be clearly evident that the money, which appears to have been given properly to another, in reality contains a hidden usury. Fourthly, we urge you not to abandon those who are...

[*Latin ed. p. 522*]

Concerning those who say that the question of usury is raised only in name at this time, when in fact the fruit derived from money, granted to another in any way, is considered in the majority of cases. Indeed, how false and how far removed from the truth this is, we clearly perceive, if we consider that the nature of one contract is entirely different and separate from the nature of another; and that likewise, the consequences that follow from different contracts differ greatly among themselves. Truly, a very clear distinction exists between the fruit that is lawfully taken from money, and therefore can be retained in either forum; and the fruit that is illicitly obtained from money, and therefore is decreed to be restored by the judgment

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of either forum. Therefore, it is not without reason that the question of usury is raised at this time, because in the majority of cases, some fruit is taken from money that is granted to another. We have considered it most fitting to indicate this to you, hoping that you will order the execution of whatever is prescribed by us in these letters; and that you will also consider appropriate remedies, as we trust, if, perchance, disturbances arise in your diocese because of this new controversy concerning usury, or if corrupt influences are introduced to undermine the purity and integrity of sound doctrine. Finally, having entrusted you and your flock to your care, we impart the Apostolic Benediction. Given at Rome, near Saint Mary Major, on the first day of November, 1745, in the sixth year of our pontificate.

ENCYCLICAL LETTER VII. CONCERNING SECRET MARRIAGES. We do not doubt, venerable Brothers, that it has always been the vigilant care of the pious Mother Church to see that the sacrament of marriage, which the Apostle calls great, is publicly and openly celebrated by the faithful. In order that this might be observed more diligently than it had been in the past, the holy Council of Trent, following the footsteps of the Lateran Council celebrated under Innocent III, decreed that, in the future, before a marriage is contracted, three times by each of the contracting parties,

[*Latin ed. p. 523*]

For three consecutive days, the marriage must be publicly announced in the church, during the solemnities of the Mass; and then, unless there is a legitimate impediment, the marriage ceremony must proceed duly before the parish priest, or another priest with the permission of the parish priest or Ordinary, in the presence of the church, and with two or three witnesses present. Furthermore, the same Holy Synod decreed that a book must be diligently kept by the parish priest, in which the names of the spouses and witnesses, as well as the date and place of the marriage, are recorded. However, these laws, so salutary and instituted with such authority, have gradually begun to fall into disrepair, and have almost become ineffective, due to the marriages that are now so commonly contracted in secret, that their knowledge is, as far as possible, erased, and they are buried in perpetual obscurity. For it is the custom now to celebrate marriages without any prior announcements, before only the parish priest, or another priest with his permission, with the presence of only two witnesses, appointed by the contracting parties, whose fidelity is not suspected by anyone; and the marriage is often performed outside the church, and sometimes even within it, but with the doors closed, or at a time when, with the absence of anyone else, the knowledge of the marriage, apart from the parish priest, the contracting parties, and the witnesses, is completely hidden from everyone else. How much, one can only conjecture, does this secrecy of marriages, which are so repugnant to the dignity of the sacrament and to the prescriptions of ecclesiastical law, abhor the conscience of the common

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people. For from this arise grave sins, especially for those who, having disregarded the judgment of God, abandon their first wife, with whom they secretly contracted marriage, and openly contract a new marriage with another, deceiving her with false hopes of a future marriage and depriving her of the right to live with him honorably. Indeed, the minds of some are so corrupted by wicked desires that they dare to contract a new secret marriage after another secret marriage, also contracted, and not yet dissolved by the death of the first spouse, thus becoming guilty of the great sin of polygamy. Others, in their shamelessness, have even come to the point of, in contempt of this great sacrament, after secret beginnings, contracting either public or private marriages in defiance of—

[*Latin ed. p. 524*]

Indeed, they should not be horrified at the audacity of those who openly embrace polygamy. But how grave, how irreparable are the evils that arise from such unions! For if a man and woman are compelled to live separately, against the true nature of marriage, the very foundation of life is undermined, and the word of the Lord is disregarded: "For this cause shall a man leave father and mother, and shall cleave to his wife, and they two shall be in one flesh." If this natural order is maintained, no one can fail to condemn it, and it becomes a source of scandal. Nor does the celebration of a secret marriage, hidden in darkness and unknown to all, atone for the harm caused by scandal. Moreover, there are also lesser harms that are inflicted upon the children. Often, it happens that they are abandoned by their parents, and especially by their mother, and are not properly or generously raised; but are left to the uncertain vicissitudes of fortune. Sometimes, the parents themselves, acting against the laws of nature, and with a wicked audacity, endanger the very lives of these children. But when such a heinous crime is committed, and when the parents are compelled by the very demands of humanity to provide for and raise the children born of this secret marriage, another danger looms: the loss of ancestral property and goods, for which, although the rights of blood are clamorously asserted, they are nevertheless denied, because of the secret marriages of the parents and the lack of proof of legitimacy and filiation. To this origin of evils must also be attributed the secret marriages themselves, contracted by children against the just will of their fathers; and no one is ignorant of how great the inconveniences that arise from such unions. What more can be said? Indeed, wickedness has grown so strong that even those who have been appointed to minor orders, and who have received pensions and benefices for the purpose of divine worship and ecclesiastical duties, have sometimes, even after entering into a secret marriage, retained their positions, and have amassed miserable stores of iniquity. Therefore, this multitude of evils should rather be lamented with abundant tears, than explained with a lengthy pen, since from these very observations, the watchful care of this

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Apostolic See demands that we defend ourselves; and we cannot refrain from appealing to you yourselves, venerable brothers, to be part of our concern, and from stirring up your zeal to watch over the flock entrusted to you, in these sorrowful times.

[*Latin ed. p. 525*]

This condition leads to a difficult situation. Therefore, the first danger is that you may find it more difficult to grant dispensations for publications, which those about to enter into marriage often request due to malicious suggestions. However, it is necessary for Bishops to carefully consider these matters, and the arguments presented to you by the Council of Trent are not obscure. For, as the same holy Synod states, "if there is a probable suspicion that a marriage may be maliciously hindered, if denunciations have preceded; then either only one denunciation shall be made, or at least before the marriage is celebrated before the parish priest, and two witnesses present, the marriage shall be celebrated, and then, before its consummation, denunciations shall be made in the Church, so that if any impediments remain, they may be more easily discovered." Furthermore, although it is left to the Bishop to dispense in every way regarding denunciations, this power does not depend solely on the will of the one granting the dispensation, but is restricted by the laws of prudence and sound judgment of the Council of Trent; which is the same as requiring a legitimate cause for the dispensation. Likewise, even greater vigilance is necessary from you, so that after the denunciations have been waived, the marriage is not celebrated before the parish priest, or another priest appointed by the parish priest, or by you, in the presence of two or three trustworthy witnesses, so that no knowledge or rumor of the celebration arises. For, in order that this may be done lawfully according to the prescriptions of the sacred Canons, it is not sufficient to have any obvious and common cause, but a serious, urgent, and most urgent reason is required. The sacred tribunal of our Penitentiary readily grants the power to celebrate marriage in this case, especially when a man and a woman, publicly living as husband and wife, and about whom no suspicion of crime exists, are nevertheless secretly living in concubinage; for everyone will readily understand how inappropriate it would be to bring such persons, who are in the state of damnation, back to the state of grace by the sacrament, and to compel them to enter into marriage publicly after previous denunciations. However, we have presented this practice to you, not because dispensation is only appropriate in this case alone, since there may be other similar, and perhaps more urgent, cases in which it is expedient to grant dispensation; but because the aspects of your pastoral office should be directed to diligently investigating the legitimate and urgent cause for dispensation, so that marriages secretly celebrated do not have lamentable consequences, which we have recounted

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with deep sorrow of heart.

[*Latin ed. p. 526*]

We earnestly urge and admonish you to diligently inquire into the circumstances of those who request to secretly contract marriage, to ascertain whether their qualities, status, and condition are such as to justify such a dispensation; whether they are of their own free will, or under coercion; whether they are members of families whose marriages would be disapproved of by their father, for it would be far outside the scope of your episcopal office to easily provide an opportunity for disobedience to a son; whether the case involves ecclesiastical persons, even those in the lower orders, who hold pensions and ecclesiastical benefices, so that their detestable retention in the state of marriage may subsequently be restrained by appropriate remedies. Above all, let your concern be directed to ensuring that, before a license for a secret marriage is granted, the contracting parties present clear, undeniable, and fraud-proof documents attesting to their freedom of status, in order to prevent those of dishonest character from engaging in polygamy. As for the minister of the secret marriage, we decree that a priest from the parish of one of the contracting parties should be appointed to this office, as he is presumed to be more knowledgeable about the individuals involved, and to have more experience and a longer familiarity with affairs than any outside priest. However, if any circumstances should arise that seem to require another priest to be appointed in place of the parish priest, then, for a compelling reason, a priest should be chosen by you who is recommended by his probity, learning, and expertise in performing this office. To either the priest or the other minister appointed by you, it must be strictly enjoined that they not perform the marriage unless they have first, with paternal charity, instructed the couple in the Lord, that the procreation of offspring should be undertaken as soon as possible through the sacred rite of baptism; and that they will render a strict account to Christ, unless they recognize their children as legitimate, and unless they have instilled in them piety and good morals, and allow them to enjoy the temporal goods left by their ancestors, or granted by the authority of the law. After the marriage has been celebrated, the parish priest, or other priest before whom it was performed, must present to the Bishop a written document detailing the event, along with the place and time, and the names of those who witnessed the celebration. It will then be your duty to diligently ensure that this document is faithfully transcribed into a separate book, distinct from the one in which public marriages are recorded.

[*Latin ed. p. 527*]

Contracts of this nature are to be recorded. A book specially prepared for secretly contracted marriages, securely bound and sealed, shall be carefully

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kept in your episcopal Chancery; and it shall be delivered and opened only with your permission, either to record other marriages of this kind, or when the administration of justice requires it, or finally, when some document requires it to reveal the true facts, for those who do not have the means to obtain proof elsewhere; but always taking care, once the matter is settled, to close it again and seal it as before. The attestations, or testimonies, of a marriage secretly celebrated, by the parish priest, or by a priest who has filled his place, shall be written down and presented to you, transcribed verbatim by a person appointed by you, who is known to all for their integrity and good reputation. However, the attestations themselves shall be kept in a more secret place, hidden and guarded by you. If, moreover, a child should be born from such a secretly contracted marriage, let that child be cleansed with the salutary water of baptism in the church in which this sacrament is administered indiscriminately to other children. And because it is easy for a marriage begun secretly to be omitted in the book of baptisms, and for the names of the parents to be deliberately concealed, we wish, and expressly command, that the fact of the baptism of a child, and, if the father has died, the fact of the child being taken by the mother, shall be reported to you; and this report shall be made either immediately by the parents themselves, or by letters written in their own hand, or by a person worthy of trust designated by the parents; so that you may certainly and clearly know that the child, baptized in such a place and time, or with false names of the parents, is legitimate, even though conceived within a secretly contracted marriage. And indeed, when all these things are known to you, so that they may not be forgotten, they shall be faithfully recorded by the person to whom you have given the power to record secretly contracted marriages. The book, in which the names of the baptized, and of both parents, are recorded, although it must be kept separate from the other marriage records, shall nevertheless be kept with the same diligence, and with the same precautions, in the episcopal Chancery, and sealed.

[*Latin ed. p. 528*]

It must be diligently guarded, as we have already ordered concerning the marriage book. Because, however, some may fail to comply, those who disregard the voices of their own conscience, and neglect to obey these our commands, they must be punished by you with appropriate penalties, according to the degree of their fault. But since it has sufficiently come to our knowledge through experience that men, in such matters, are slower to act, and are drawn away from the right path by human considerations, we therefore command that secret marriages be made known to you, and that it be noted, if it is certainly known to you that a child has been born from a secret marriage, and baptized under suppressed names, without any notification given to you, as is proper, by the parents within thirty days from the birth. Lest, however, those who are contumacious, and disobedient, and

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who violate the faith, and reveal the secret, should deceive their pastors, it must be diligently ensured by you that, by the parish priest, or another priest appointed by you for the secret celebration of marriage, the spouses are clearly and openly warned, that, according to that law and agreement, the secret celebration of marriage is permitted to them, so that the children born from it will not only be regenerated by the sacred baptism, but after baptism they will be reported to the Bishop, with a note of the place and time of the administration of the sacrament, and with a true indication of the parents from whom they were born, as stated above. Otherwise, the marriage, although contracted, will be brought to light by the Bishop, for the sake of the children, and to prevent a grave and irreparable injury from being inflicted upon them. Finally, we will and command that the records of secretly initiated marriages, and of children born from them, extracted from said books, be kept by you with such care, in the manner described, so that they may merit as much trust as the other parish books of baptisms and marriages are accustomed to claim. These things, venerable brothers, we most earnestly enjoin you to observe in this time of calamity, for the common salvation of souls, and for the preservation of ecclesiastical discipline, because the wickedness of men is ever increasing, bringing new harms, whether through patience or through fear. Furthermore, we do not wish that these our letters should prevent you from employing more effective remedies, which your prudence will recognize as appropriate for this evil, as they become necessary from day to day.

[*Latin ed. p. 529*]

We impart to you, as a witness of our apostolic charity and benevolence, this pastoral office, which must be diligently fulfilled. Given in Rome, at the Basilica of Saint Mary Major, on the 17th of November, 1741, in the second year of our pontificate.

CHAPTER II. DECREE I. Concerning those who solicit and are accomplices in shameful sins.

The Sacrament of Penance, which the Holy Fathers aptly call the "tablet of the lost grace after the shipwreck," we, although called by divine providence to the care of the entire flock of the Lord, are bound to devote all our efforts and pastoral concern, so that, lest that refuge, which divine goodness has granted after the loss of baptismal innocence, become a grievous ruin for shipwrecked and miserable sinners through the deceit of demons and the malice of men who pervert the benefits of God; and lest that which has been instituted by God, who is rich in mercy, for the salvation and healing of souls, be turned to their destruction and ruin through the abominable wickedness of certain priests.

Recently, our predecessor, the blessed Pope Gregory XV, through his letters in the form of a Brief, dated in Rome, at Saint Mary Major, on the 30th of August, 1622, in the second year of his pontificate, wisely provided against

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those priests who, when hearing confessions, solicit shameful things; and subsequently, in the interpretation and explanation of those letters, more decrees were issued by the venerable Congregation of our Brothers, the Cardinals of the Holy Roman Church, on the 11th of February, 1661, and by the most reverend Alexander VII, our predecessor, also in a general Congregation held on the 24th of September, 1665, among other propositions that are alien to and dissonant with the evangelical truth and the doctrine of the Holy Fathers, the sixth.

[*Latin ed. p. 530*]

Namely, the seventh [canon], which should be recalled, condemned, and prohibited. Therefore, we, carefully considering how important it is that these be observed everywhere with utmost care for the eternal salvation of souls, and how much it pertains to the care of the infirm sheep and the preservation of the decorum of the Holy Church of God, that no priests, wickedly abusing the sacrament of Penance, offer to the penitent, for healing, a wound; for bread, a stone; for a fish, a serpent; for medicine, poison, but remembering that they are presidents and judges of souls, appointed by Christ the Lord, that they administer this most venerable sacrament with holiness, which is fitting to the sublimity and dignity of the office: by our own motion, and from certain knowledge and mature deliberation, we hereby approve and confirm, with the authority of the Apostolic See, the aforementioned letters and all and each of the aforementioned decrees pertaining to their interpretation and declaration, and we add to all and each of them the inviolable strength of Apostolic firmness; and also, as it may be necessary, we again entrust and command to all Ordinaries of places in all kingdoms, provinces, cities, dominions, and places of the entire Christian world, within their respective dioceses, that they diligently, and setting aside all human considerations, inquire into and proceed against all and each priests, whether secular or regular, in any way exempt, and immediately subject to the Apostolic See, of whatever orders, institutes, societies, and congregations, and of whatever dignity, and eminence, or endowed with any privilege or indult, who, whether the person be of any condition, have, either during the actual sacramental confession, or before, or immediately after the confession, or by occasion or pretext of confession, or even outside the occasion of confession, in the confessional or in another place designated for hearing confessions, or by the pretense of hearing a confession there, attempted to solicit or provoke, or have had with them illicit and dishonorable conversations or dealings, by words, or signs, or gestures, or touch, or by writing, then or afterward; and those whom they find guilty in any of these nefarious excesses, they shall severely punish with suitable penalties, according to the nature and

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circumstances of the crime.

[*Latin ed. p. 531*]

According to the aforementioned constitution of our predecessor, Gregory, which we wish to be understood here verbatim: furthermore, if it should be necessary, we grant and again grant the faculty, so that this enormous crime, and one injurious to the Church of God, may not remain unpunished due to a lack of evidence, but that the procedure with witnesses, even individual ones, already granted in the aforementioned constitution, may be followed, provided that presumptions, indications, and other supporting evidence are present. Moreover, let all, and each priest appointed to hear confessions, be reminded and obligated to diligently warn their penitents, whom they know to have been solicited by others, as mentioned above, regarding the obligation to report to the aforementioned local Ordinaries the person who committed the solicitation, even if that person is a priest, who possesses the jurisdiction to validly impart absolution, or if the solicitation occurred between the confessor and the penitent, or if the penitent consented to the solicitation, or even if they gave only the slightest indication of consent, or if a long time has passed since the solicitation, or if the solicitation was committed by the confessor, not for his own sake, but for another person: let them be diligently warned according to the circumstances of the case. Let confessors also be careful not to impart sacramental absolution to penitents whom they know to have already been solicited by another, unless they have first brought about the aforementioned notification, indicating the perpetrator to the competent judge, or at least promise, and pledge, that they will do so as soon as they can. And since certain wicked men are found who, moved by hatred, or anger, or some other unworthy cause, and incited by the impious persuasions, or promises, or flatteries, or threats, or by any other means, of others, disregarding the dread judgment of God, and contemptuously treating the authority of the Church, falsely accuse innocent priests before ecclesiastical judges of solicitation: in order that such audacity, and such a detestable act, may be restrained by the fear of the magnitude of the punishment, let whoever has stained themselves with this abominable offense, either by falsely accusing innocent confessors themselves, or by wickedly seeking to have it done by others, be, by any priest endowed with any privilege, authority, and dignity, except by us, and our successors, unless in Volume X.

[*Latin ed. p. 532*]

at the end of life, and except for the article of death, [he] shall perpetually lack the hope of obtaining absolution, which We reserve for Ourselves and Our successors. Finally, desiring most earnestly to remove from the sacred tribunal and from the sanctity of the priesthood every occasion of impurity,

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and contempt for the sacraments, and injury to the Church, and to utterly eliminate such harmful evils as much as possible, and, as far as in the Lord is possible, to meet the dangers of souls, which certain sacrilegious individuals, rather than ministers of God, plunge into the abyss of iniquity, nefariously burdening them with a great multitude of sins, instead of reconciling them with their Creator and with us through the sacrament; and with the advice of some of Our most Reverend Brothers, Cardinals of the Holy Roman Church, and of some masters in theology, and also with the repeated supplications of many Bishops, by this Our sanction, which shall remain in force forever, as We know has already been done by many Bishops through their synodal constitutions, We forbid and prohibit, by the authority of the Holy See and the fullness of Our power, all and each priests, whether secular or regular of any order and dignity, although otherwise approved for hearing confessions and endowed with any privilege or indulgence, even with a special expression and a particularly noteworthy indication, that any of them, outside the case of extreme necessity, namely, at the very article of death, and in the absence of any other priest who can perform the office of confessor, dare to hear sacramental confession from a person complicit in a shameful and dishonorable sin against the commandment of the tenth precept; and We deprive him of all authority and jurisdiction to absolve any person from such a fault, so that, indeed, if he should have granted absolution, it shall be null and void in every respect, as if granted by a priest who is deprived of the jurisdiction and faculty necessary for validly absolving, which We intend to take away from him by these presents; and nevertheless, if any confessor should dare to act otherwise, he shall incur the penalty of excommunication, from which only We and Our successors have the power to absolve.

[*Latin ed. p. 533*]

Let it be so decreed. We declare and ordain that, even under the force of any jubilee, or even of the bull called *Cruciatae Sanctae*, or of any other Indult, no one shall be able to exempt the aforementioned accomplice from confession, nor to grant him sacramental absolution by *Clargiri*; for, for this purpose, and in this case, no confessor, as if he lacked jurisdiction in matters of this kind, or as if he were deprived by us of the power to absolve, shall be considered a legitimate and approved confessor. Notwithstanding the constitutions and apostolic ordinances, especially those called *Cruciatae Sanctae*, or the universal and plenary jubilees, and also the statutes, customs, privileges, Indults, and apostolic letters of any churches, monasteries, or orders, of which their priests have been, even under oath, with apostolic confirmation, or with any other form of confirmation, approved and renewed repeatedly, we expressly derogate from all of these, considering their provisions valid only in this instance, and expressly, derogating from all other contrary provisions whatsoever. Finally, we will and com-

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mand that all ordinaries of places, both present and those who will exist in the future, take care that, in the approval of confessors, both the aforementioned constitution of our predecessor *Gregorius* and the present one are carefully read and observed by all priests, and that they exhort them in the Lord, and encourage them to perform the sacred ministry entrusted to them with the utmost innocence of spirit, purity of morals, and integrity of judgment, and to present themselves as ministers of Christ and dispensers of the mysteries of God. Moreover, let them remember that they hold the place and fulfill the duties of the highest and eternal priest, who offered Himself to God, holy, innocent, undefiled by the Spirit, without blemish, to cleanse our conscience from dead works to serve the living God. Therefore, let them strive diligently, and let them take great care, lest, through their fault, the heavens be closed to those who seek and knock, lest the lost sheep fail to return to the Lord's fold.

[*Latin ed. p. 534*]

Let those who are found guilty be delivered into the hands of wild beasts to be torn apart, lest the poor and afflicted children, returning to the heavenly Father, be wounded by the grievous sins of their wickedness, even while they are still on this earth. But in order that these present Letters may become known to all, and that no one may allege ignorance of them, we decree that these, or copies thereof, be affixed to the doors of the Church of the Lateran Palace, and of the Basilica of the Prince of the Apostles, as well as to the Chancery, the general court at Monte Citatorio, and in the Field of Flora near the City, as is customary, and that they be publicly proclaimed, and affixed, so that all, and each individual to whom they pertain, may observe and obey them as if they had been personally and individually notified. And let the same faith be given to copies of these present Letters, whether printed or handwritten, signed by a public notary and sealed with the seal of someone holding an ecclesiastical office, as would be given to the original document if it were presented or shown. Therefore, no human being whatsoever may infringe upon this page of our will, sanction, precept, mandate, and abrogation, or dare to contradict it with reckless audacity. If anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God, and of the blessed Apostles Peter and Paul. Given at Rome, near the holy Mary Major, in the year one thousand seven hundred and forty-one, of the Incarnation of the Lord, in the first year of our pontificate. DECREE II. Against the same accomplices, etc. Fully understanding that the duties of the apostolic office must be exercised with the utmost care in ensuring the pure and unblemished administration of sacred things, we strive not only, through constant exhortations, and through just severity of laws, where the situation demands it, to ensure that ecclesiastical ministers treat sacred matters with holiness and reverence, as far as it is possible in the Lord; but also we strive to ensure that the laws

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themselves are not subject to sinister interpretations.

[*Latin ed. p. 535*]

We do not neglect, when the opportunity arises, to communicate and strengthen, for their protection, either extreme, whether of excessive rigor or detestable laxity. Indeed, by a certain constitution of ours, which began with the Sacrament of Penance, published on the first of June in the year one thousand seven hundred and forty-one, during the first year of our pontificate, we have forbidden and prohibited all, both secular and regular priests, from daring to receive the sacramental confession of any person who, outside of a case of extreme necessity, namely, at the very hour of death, and when no other priest is present who can perform the office of confessor, has committed a shameful and dishonorable sin, contrary to the sixth commandment of the Decalogue; so that, if absolution were granted, it would be null and utterly invalid, as if given by a priest who, by the force of the same constitution, has been deprived of the jurisdiction and faculty necessary to validly absolve, and otherwise, as is more fully stated in the aforementioned constitution, the tenor of which we wish to be considered fully and sufficiently expressed and included here. Since we have received certain doubts arising concerning that part of the aforementioned constitution which pertains to the hour of death, which we do not consider fit to be left to the judgment of each individual, lest the law be cast upon uncertain conjectures and opinions, perhaps alien to our intention, and its force gradually languish and weaken: therefore, desiring to remove all possibility of doubt, as far as we can with the Lord's help, we, by our own motion, and from certain knowledge and mature deliberation, confirm our aforementioned constitution, with all and each of its contents, as far as it is necessary, in all its tenor, with the present document, and we command that it be observed integrally, thoroughly, and entirely, and inviolably, and without hesitation, by those to whom it applies, and at all times when it is applicable. Furthermore, we have discussed these matters with our venerable brother Vincent, Bishop of Praeneste, now Cardinal of the Holy Roman Church, called Peter, our Major Penitentiary, and with our beloved...

[*Latin ed. p. 536*]

To the sons of the office of the Apostolic Penitentiary, who have diligently carried out the matter at our command, we decree and declare, by this Constitution, to all priests, as follows: that, just as it is not permitted to hear the confession of a person involved in the aforementioned scandalous sin, even at the point of death, and to absolve him from such a guilt, so also, if there is no other priest available who can perform the office of confessor, it is likewise forbidden and prohibited in the aforementioned manner to hear and absolve such a person, unless another priest is absent, even if that other priest is merely a simple priest, or otherwise not approved for

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hearing confessions; nevertheless, that simple priest himself may receive the confession and grant absolution. Furthermore, if the urgency of the situation and the circumstances present are such that another priest cannot be called upon or approached to hear the confession of the person mentioned in the aforementioned article, without incurring any serious infamy or scandal, then that other priest shall be considered to be absent, and therefore, in that situation, it is not forbidden to grant absolution to the priest who is an accomplice in the crime, for that crime as well. Let the priest involved in such a situation know, and let him seriously consider, that he will be held accountable before God, who cannot be mocked, for a grave offense against our aforementioned Constitution, and will be subject to the penalties contained therein, if he deliberately creates or exaggerates the dangers of infamy or scandal, where they do not exist; rather, let him understand that he is bound to take all possible measures to avert or remove such dangers, so that another priest may have access to hear the confession without any infamy or scandal. Thus, we declare, and we now strictly command and enjoin that this be done. Moreover, if the same priest, either through some compulsion or because the danger of infamy or scandal is feared, and the assistance of another priest is required, fails to take appropriate measures to avert that danger, and thus prevents the person mentioned in the aforementioned article from...

[*Latin ed. p. 537*]

By the crime of an accomplice, and in this very matter, as it is presented, to receive the sacramental confession, and to grant absolution from that crime, without any, as is stated, necessary cause, he has presumptuously undertaken, although such absolution would be valid, provided that the dispositions required by Christ the Lord for the validity of the sacrament of penance are not lacking on the part of the penitent (for we do not intend to deprive that priest, however unworthy, of the necessary jurisdiction, lest anyone perish through this very occasion); nevertheless, the priest himself will not escape the penalties of the law, violated by such temerity, and therefore he will incur the major excommunication mentioned in the aforementioned constitution, and in the same manner as it is decreed therein, which we declare that he incurs, and we decree. Notwithstanding all and each of those things which we wished to be understood as not hindering in the aforementioned constitution, and all other contrary things whatsoever. We have decreed that these present letters, even when transcribed, or printed by the hand of a public notary, and sealed with the seal of a person in ecclesiastical dignity, may have the same faith in judgment, and everywhere else, as if the present letters were exhibited, or shown. Given in Rome, at the Basilica of Saint Mary Major, under the seal of the Fisherman, on the eighth day of February, in the year one thousand seven hundred and forty-fifth, in the fifth year of our pontificate. DECREE III. Against

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those who are troublesome, and who abuse the sacrifice of the Mass. In the general congregation of the Holy Roman and universal Inquisition, held in the apostolic palace at Quirinal, before the Most Holy Lord our Lord BENEDICT, by divine Providence, Pope XIV, and the Most Eminent and Reverend Cardinals, against heretical perversity, Inquisitors General were specially appointed by the Holy Apostolic See. The Most Holy Lord, our Lord, having diligently observed, how...

[*Latin ed. p. 538*]

It has been decreed that the crime of those wretched men who abuse the sacred and holy Mass, and the salutary sacrament of Penance, instituted by Christ the Lord for the reparation of souls, to their own ruin and condemnation, shall incur, in addition to the penalties prescribed by law, and by the apostolic constitutions, and especially by the decrees of the Most Holy Sixtus V and Gregory XV against them, perpetual incapacity for the celebration of the aforementioned sacrifice; and that such decree shall be communicated to the superiors and prelates of every order, so that they, as well as concerning this matter, and concerning the aforementioned decrees and other constitutions of the Supreme Pontiffs, according to what is prescribed in the general decree of the Supreme Inquisition of December 15, 1653, shall at least once a year, that is, on the sixth day after the octave of the Assumption of the Blessed Virgin Mary, in the public chapter, or in a chapter specially convened for this purpose, and furthermore in any general or provincial chapter, or any other chapteral assembly by whatever name it may be called, admonish their subordinates and religious under their care, and shall present to the Supreme Congregation a sworn testimony of such admonition.

DECREE IV. Against confessors who inquire after the name of an accomplice.

When we first received news, not without some sadness, of a perverse and absurd practice introduced by some confessors in the Kingdom of Portugal and the Algarves, in the administration of the sacrament of Penance, the news was so weighty and based on such solid foundations that we could not but believe in the danger, both in its truth and in its magnitude; we could not fail to give immediate instructions to the venerable Archbishops and Bishops of those kingdoms and territories, by our apostolic letters, to provide a remedy.

[*Latin ed. p. 539*]

With the utmost eagerness, we would apply this remedy. The letters, published on the seventh day of the month of July of the preceding year, one thousand seven hundred and forty-fifth, which we deem fitting to be included in this present constitution, contained the following: "The supreme concern of all Churches, and the charity of our Lord Jesus Christ, the Prin-

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cipal of all pastors, whose office we faithfully fulfill, constantly urges us to diligently care for the entire flock entrusted to us, and to provide assistance, as far as we are able with the Lord's help, to the souls in danger, throughout all Christian peoples and nations, and especially to those regions and places which are the particular object of our apostolic charity and paternal care, where the Catholic faith and religion flourish most abundantly, because the cunning enemy of the human race, despairing of harming the faithful through open warfare, seeks to injure them through insidious means, transforming himself, as it were, into an angel of light, and deceiving the unwary with the appearance of goodness, so that he may cause, through this artifice, no less damage to souls than he would through a manifest attack; the most insidious old enemy considers that this will be the case. Among these deceptions, we count that which has recently occurred in the flourishing kingdoms and territories of Portugal and the Algarves, over which you, venerable prelates, preside with the commendation of your priestly virtue, and for which you deserve praise for their singular devotion to the Catholic Church and to this Holy See. For it has come to our ears that some confessors in those parts, seduced by a false zeal, far removed from true zeal according to knowledge, have begun to introduce and practice a certain perverse and harmful method in hearing the confessions of the faithful and in administering the salutary sacrament of penance; namely, that if they encountered penitents who had a partner in crime, they would inquire from those very penitents about the name of such a partner; and they would try to induce them to reveal it, not only by persuasion, but, which is more deplorable, by threatening to deny them the sacramental absolution, unless they revealed it."

[*Latin ed. p. 540*]

They would demand, and compel: indeed, they would insist not only on the designation of the name of their accomplice, but also of the place of his residence. "They would not hesitate, indeed, to cloak this most intolerable imprudence, under the specious pretext of seeking the correction of the accomplice and the gathering of the honors of others; and to defend it with certain opinions of doctors. But in truth, such opinions, whether following falsehoods and errors, or misapplying true and sound doctrines, would bring harm both to themselves and to the souls of the penitents; and moreover, they would constitute themselves as guilty before God, the eternal Judge, of many grave damages, which they should have foreseen would easily result from this. And in truth, many such damages have already followed, as unhappy experience has shown: and it could not be otherwise, but that, for this reason, there have arisen obloquies, and scandals, and not only among the ministers, but also among the very sacred ministry itself, and a great disturbance of souls in the faithful people. When we received these sad tidings, we also heard that our beloved Sons, the Most

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Reverend Cardinals, Nunum à Cunha, Inquisitor General in the kingdoms of Portugal and Algarves, and Thomas de Almeyda, Patriarch of Lisbon, had been moved by just indignation against this egregious abuse, and had diligently labored to restrain, and even to eradicate, this evil. We, however, that we may not seem to have failed in any way in our apostolic ministry in so grave a matter concerning souls, nor that this matter may remain obscure and ambiguous in your minds, we wish you to know that the practice mentioned above is to be thoroughly condemned, and that, by these present Brief Letters, we condemn and reject it, as scandalous and pernicious, and as tending to injure both the reputation of those nearby, and even the sacrament itself, and to deprive the faithful of the very benefit and necessary use of the sacrament of penance. Therefore, Venerable Brothers, although we have no doubt concerning your pastoral vigilance, we nevertheless consider it our duty also to urge you to..."

[*Latin ed. p. 541*]

Strive diligently, and arouse others, so that each of you, using whatever means prudence suggests, with the most suitable reasons and the most effective legal remedies, as far as is necessary, vigorously oppose this kind of novelty, and suppress it almost before it is born, and do not allow offense to be prepared for those sheep entrusted to your care, where salvation has been established by Christ, and that they may be turned away from and deterred from that source of divine mercy, to which they are most lovingly invited by the same Redeemer of ours, to cleanse and liberate their souls in His blood. Meanwhile, while from your zeal and prudence we certainly promise you proofs of our piety and obedience, we impart to you, Venerable Brothers, our apostolic blessing, joined with the fullest abundance of ecclesiastical graces. We wish that, even with the examples contained in these documents, or those printed, signed by a public notary and sealed with the seal of a person in ecclesiastical dignity, the same faith be applied everywhere, which would be applied and could be applied if they were presented or shown. Given in Rome, at the Basilica of Saint Mary Major, under the Fisherman's ring, on the seventh day of the month of July, in the year 1745, in the fifth year of Our pontificate. Cajetanus Amatus.

These letters, which were previously issued in the form of a Brief, we now confirm and strengthen with these present documents, and we command that they be faithfully and exactly observed by all and each; and We establish and decree that whoever, of whatever status, rank, condition, dignity, and order, even in a special and individual way, has been worthy of mention and expression in order to be included in these present documents, should in the future dare to teach that such practice is permissible, as it is explained and condemned in Our Brief, or to write or speak in defense of the same condemned practice; or to oppose, or rashly distort or interpret, what has been decreed in said Brief against that practice, shall,

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by such act, incur excommunication, from which he cannot be absolved, except at the point of death, by another, whatever his dignity or authority may be.

[*Latin ed. p. 542*]

"Unless it be by us, or by the Roman Pontiff then in office, [let no one presume] to absolve." And because it is necessary not only to safeguard, so that those things which are decreed by us in the aforementioned letters are preserved from all opposition, false contradictions, and perverse interpretations, and are immune therefrom, but also that no one ever deviate in any way from the observance of these things in the administration of the Sacrament of Penance; therefore, we strictly and severely, by the divine judgment, and in virtue of holy obedience, forbid to all confessors, both of the secular and regular clergy, whatever their exemption, and whatever special or explicit mention they may perhaps have elsewhere, that they presume to ask penitents, "in accordance with the aforementioned condemned practice," who confess a sin or some crime, of which they have associates or accomplices, to give the name of the accomplice, the place of his residence, or other similar details or circumstances, or any more specific manifestation concerning the same accomplice; and if the penitent refuses to disclose this information, they are to be denied sacramental absolution; otherwise, let them know that, beyond the mortal sin incurred, they will be subject to suspension from the office of hearing confessions, and to even more severe penalties." Furthermore, because, in order to prevent this harmful abuse from taking root and causing the ruin of souls, we deem it necessary to establish and regulate the manner and form of proceeding externally, and to impose penalties against the guilty; and because we desire to resolve and completely eliminate all disagreements that may arise, or have already arisen, concerning this matter, we decree and declare, "that those who, as mentioned above, defend the practice already condemned by us, or who write, or speak, or who oppose or perversely interpret the condemnation of the same practice contained in our aforementioned Brief, shall be severely punished by the holy office of the Inquisition of the aforementioned kingdoms and territories, and that the same procedure shall be followed against them and against anyone who proceeds in the same manner, as is customary against those who assert, maintain, or defend scandalous and harmful opinions, and who are, as such, rejected and condemned by the Apostolic See."

[*Latin ed. p. 543*]

Similarly, We decree and We will that the same procedure be followed, and We command, against confessors who, as aforesaid, commit such offenses, namely, those who interrogate the penitent concerning the name of an accomplice, and who deny absolution to the penitent, unless he re-

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veals it. However, such acts of interrogation and denial shall be considered in conjunction with the circumstances and conditions under which they occur, so that the confessors who act in this manner may be deemed to adhere to the aforementioned condemned practice, as if it were lawful, or in any other way, to be suspected of grave error. Therefore, against all and each of the aforementioned offenders, whether secular or belonging to any order, institution, society, or congregation, regular or otherwise, subject immediately to the Apostolic See, whatever their dignity, eminence, or privileges may be, and whose special and particular mention is to be made, the Inquisitors of the aforementioned kingdoms and jurisdictions, with the authority granted to them by Us, and, as far as necessary, granted anew by the tenor of the present document, shall diligently inquire into, and proceed according to, the forms of the sacred canons, as well as the constitutions, privileges, customs, and decrees of this Holy Office of the Inquisition, and those whom they find guilty of any of the aforementioned excesses shall, according to the nature and circumstances of the crime, be subject to penalties such as suspension from the office of hearing confessions, or even from the execution of orders, deprivation of benefices, dignities, and perpetual unfitness for such offices, as well as, if they are regulars, the loss of active and passive voice, and other penalties; all or some of these penalties may be imposed permanently or for a time. Whoever knows that another has committed any of the aforementioned offenses in any of the aforementioned ways shall be obliged to denounce him to the Holy Office of the Inquisition, within the term of days prescribed in the edicts of that Holy Office; otherwise, those who fail to denounce shall incur the penalties customary in such cases, as prescribed by the same edicts. Nevertheless, We will and do exempt from this obligation of denunciation, solely the person of the penitent himself, in his own case, that is, in the case where, having confessed his sin, he is urged by the confessor to reveal the name of his accomplice (as in Volume X).

[*Latin ed. p. 544*]

By the same sin: for then we release the penitent of this kind from the obligation to denounce the confessor. But when someone learns, from a source other than the penitent's own confession, as has been said, that the confessor has committed some of the offenses listed above, and has failed to denounce them in the manner prescribed by the holy office, then that person is also obligated to denounce him based on this knowledge obtained from elsewhere. If, however, the actions of the confessor, such as questioning about accomplices, and refusing absolution unless the truth is revealed, are of such a nature that, although imprudent and evil, they are nevertheless a simple and straightforward act, that is, lacking the circumstances that, due to false beliefs or adherence to practices condemned in our aforementioned instructions as illicit, would make the confessor suspect;

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then such an offense will not be subject to the obligation of denunciation, nor to the knowledge of the aforementioned holy office; but to know about it, and to impose penalties on the offending confessor, such as suspension from hearing confessions, or other canonical and legitimate penalties appropriate to the offense, will entirely be the responsibility of the local Ordinaries in their respective dioceses. "Therefore, with the procedures, form, and manner for dealing with such offenders as presented here established, and with their respective ecclesiastical rights assigned and distributed; we desire and command that this rule be observed and followed by all, and if such offenses should occur, which, however, we trust will never happen in the Lord, with the added outstanding obedience and devotion of the entire illustrious Lusitanian nation towards the Apostolic See, and also with the unwavering vigilance of this holy Inquisition and of each local Ordinary. Therefore, whatever has been established previously in a manner other than that which we have decreed and prescribed in the present document, whether in the edicts of the aforementioned Inquisition, or in the mandates, pastoral letters, or decrees of any Ordinaries, we consider to be less necessary after this apostolic norm of action or judgment that we have proposed, and we declare that they cease to be in force, and, as if they had never been issued, they lose all binding force, by our own authority and with full knowledge, and with the authority of the apos-

[*Latin ed. p. 545*]

By the fullness of our pontifical authority, we declare, we establish, and we decree. We decide that if any of the aforementioned cases, or if these present letters, and whatever is contained therein, do not receive the consent of those of any status, rank, order, distinction, and dignity, or who, by special and individual mention and expression, are deemed to be involved in the aforementioned matters, or who claim to be involved in any way, if they have not agreed to them, nor have they been summoned, cited, and heard, or if the reasons for which the aforementioned and these present matters have arisen have not been sufficiently presented, verified, and justified, or if, for any other reason, even a privileged one, by some pretext, guise, or claim, they can be declared invalid, null, or void, or if the consent of our intention, or of those involved, is lacking, or if there is any other defect, they may be noted, impugned, or brought into controversy; nevertheless, these present documents, and the aforementioned brief letters, shall remain firm, valid, and efficacious; and shall produce and obtain their full and complete effects, and shall be observed exactly and inviolably by all and each of those to whom they apply, or will apply in due time. And thus, and in no other way, shall these matters be considered, and so shall they be judged by any ordinary or delegated judges, even by Cardinals of the Holy Roman Church, and by the General Inquisitors against heretical depravity, also by Legates from Our side, and by Apostolic Nuncios, or

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by any others exercising or about to exercise any authority, power, and jurisdiction, with the understanding that they are relieved of, and that each of them is forbidden, from judging or interpreting otherwise, and that any action taken contrary to this shall be null and void, if anyone knowingly or unknowingly attempts to interfere with these matters. Notwithstanding any apostolic, and in universal, or provincial, or synodal councils, or any general or special constitutions, and ordinances, or any edicts of the aforementioned Inquisition office, or of any Ordinaries, even Bishops and archbishops, or any mandates, pastoral letters, or decrees, or of the same office, and of any churches, even episcopal and metropolitan, and of any orders, congregations, religions, and institutions, even the Society of Jesus, or any others, even by oath, shall be confirmed.

[*Latin ed. p. 546*]

by the Apostolic Constitution, or by any other firm law, statutes, customs, and usages; also by privileges, indulgences, and Apostolic Letters granted to the aforementioned Inquisition office, and to its inquisitors, commissaries, and other officials, as well as to Churches, and their prelates, orders, congregations, institutes, societies, and their superiors, and to any persons whatsoever, under any wording or form, and with any derogations, clauses, and decrees, even those similar in nature, and with the full extent of Apostolic power, or at the insistence of any persons, even those with royal or any other worldly or ecclesiastical power, or in any other way contrary to the premises granted, confirmed, and innovated. Regarding all of these, and each of them, even if for their sufficient derogation, a special and individual mention, and a verbatim, rather than a general, statement of the same, would not have been made, or any other specific form used to preserve them, we hereby, for this occasion only, expressly derogate from the aforementioned, considering the aforementioned to be sufficiently and verbatim expressed and inserted, and such forms to be fully and exactly observed, for the effect of the premises. We wish that, from the present document, etc. Given in the Arch of Gandulf, in the diocese of Albano Laziale, in the year of the Incarnation of the Lord one thousand seven hundred and forty-sixth, on the fourth of the ides of June, in the sixth year of Our pontificate. DECREE V. Concerning private oratories. Whereas two spouses in the diocese of Marsicilia had obtained from the Apostolic See an Indult for the celebration of Mass in the private oratory of their home, formulated as follows: "Beloved sons, and beloved daughter" in Christ, greetings, and Apostolic blessing. "For your spiritual consolation, as far as it is pleasing to the Lord," we are pleased to assist you, and we desire to follow you with spiritual favors and graces, and to exempt your individual persons from any excommunication, suspension, and interdict, and from

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other ecclesiastical sentences, censures, and

[*Latin ed. p. 547*]

"To those who, whether by law, or by any circumstance, or by any cause whatsoever, have been burdened with penalties, if such exist, for the sole purpose of achieving the effects of the present document, we, having been moved by your humble petitions presented in our name concerning this matter, and considering you absolved and released from all obligations in this regard, to you, who (as you assert) exercise temporal jurisdiction in the places of Gallia and Messania Marsica, or in one or the other of those dioceses, Baro and Baronissa respectively, residing in your private homes in the city and diocese of Marsica, we grant, with our apostolic authority, the following: that you may freely and lawfully, and that each of you may, and may be permitted to, erect, and adorn, or have erected and adorned, chapels within your homes, free from all domestic uses, which must first be visited and approved by the Ordinary of the place, and that, with the license of the aforementioned Ordinary, which license shall endure at his discretion, one Mass may be celebrated each day, provided that permission to celebrate Mass in the same house has not been granted to the other spouse, by any secular priest approved by the aforementioned Ordinary, or by a religious priest with the permission of his superiors, without prejudice to any parochial rights, and that, except on the feasts of Easter, Pentecost, the Nativity of Our Lord Jesus Christ, and other more solemn days of the year, it may be celebrated in your presence, and in the presence of your children, relatives, and those related by affinity who reside with you in the same house, and also in chapels located in the countryside, and even in the presence of noble guests and those present in your homes: we grant and concede this, by the tenor of the present document, not hindering any apostolic constitutions, or other ordinances, or anything whatsoever that may be contrary to this. We also decree that those who are in your service and who, at the time mentioned, do not necessarily attend Mass in the aforementioned chapel, but attend Mass elsewhere, shall not be considered to be exempt from the obligation of attending Mass in the church on days of precept. Given in Rome, at the Basilica of Saint Mary Major, under the Fisherman's ring, on the 12th of February, 1759."

"And since a doubt arose as to whether, by virtue of such an indulgence, Mass could be celebrated in a private chapel, even without the presence of either of the aforementioned spouses, to whom the grant of the indulgence was directly made, this doubt was resolved by the opinion of some doctors who affirmed..."

[*Latin ed. p. 548*]

Concerning matters which give rise to differing opinions, and concerning negative opinions respectively, the Sacred Congregation of the Council,

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to which the resolution of this question was presented, on the third of December, 1740, decided: IT IS NOT PERMISSIBLE; and then, Our Most Holy Lord, having rejected the contrary opinion of the doctors, not only approved the aforementioned resolution of the Sacred Congregation, but also wished that the present decree be publicly promulgated, so that it may be known to all, that it is not possible, by virtue of a similar Indult, to celebrate Mass in private chapels, when no one is present at that Mass who is among those to whom the Indult has been principally granted; and that the Indult principally granted is to be understood to apply only to those to whom the Brief is addressed, namely, those persons who are mentioned by name at the end of the same Brief, so that, without the presence of any of the aforementioned persons, it is by no means permissible to perform the sacrifice of the Mass, even if someone is present, whether from among the sons, or relatives, or affine, or family members, or even noble guests mentioned in the same Brief, since to these, nothing else is granted by such Briefs, than that each of them, provided that, with regard to family members, they are not among those actually present (according to the clause inserted in the same Briefs), attending the Mass which is celebrated in a private chapel in the presence of one of the persons mentioned by name at the end of the Brief, shall fulfill the obligation of hearing Mass on holy days by command. Therefore, having removed and rejected any interpretation of such Briefs and Indults that is less accurate, and that has been made to the contrary up to now, HIS HOLINESS declared, and strictly commanded that it be observed, strictly ordering that all Bishops, and other local Ordinaries, even as if delegated by the Apostolic See for the execution and observance of this decree, diligently undertake to enforce it, establishing canonical penalties against those who disobey their judgment.

DECREE VI. Concerning the enclosure of nuns. A salutary institution established in the Catholic Church from antiquity, and guarded with such diligence and pastoral zeal, that this flower of the ecclesiastical seed, the ornament and adornment of spiritual grace, with its joyful disposition, deserves praise and honor.

[*Latin ed. p. 549*]

A complete and uncorrupted work, answering to the image of God and corresponding to the holiness of the Lord, the most illustrious portion of the flock of Christ, the sacred virgins, concerning whom, the greater their glory, the greater the care; within the walls of monasteries, and under vigilant and watchful custody, they are preserved, both before and after the decrees of the Council of Trent, so that our predecessors, the Roman Pontiffs, have striven to unite and confirm with the most holy laws, and with the beginnings of apostolic providence and charity; that those who have vowed themselves to Christ, and withdrawing from carnal concupiscence, both in body and in mind, may complete their work, destined for a great

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reward. For, although we know that such provisions and constitutions, if observed with the proper discipline, are sufficient to ensure that the virgins, who are the spouses of Jesus Christ, think of this, and are holy both in body and in spirit; yet, having been taught by long experience, and having been admonished by the constant complaints of venerable brothers, the prelates of other Churches, it is necessary that the highest parts of apostolic authority and providence require that a remedy be provided for "numerous abuses" arising from the excessive liberty of some, who, by one means or another, are arrogant, or presumptuous, or demanding, and who abuse the power granted to them, whether by law or by human concession, or in the performance of their duties, so that they, or others, may be granted permission to enter the enclosure of the nuns, or that the nuns themselves may be permitted to leave the enclosure for any reason, even if not legitimate, and to remain outside the enclosure; therefore, for the highest good of all the faithful of Christ, and because of our weakness in the divinely imposed governance of the universal orthodox Church, we strive, as far as we can with the Lord's help, to provide a remedy for such abuses, and by apostolic authority, by the tenor of the present document, we renew and confirm all and each of the constitutions issued by our predecessors, the Roman Pontiffs, both before and after the decrees of the Council of Trent, concerning the enclosure of nuns, and we command that all and each, to whom it pertains, and to whom it will pertain in the future, observe them under the same penalties as set forth in the constitutions of our predecessors, the Roman Pontiffs, and in the decrees of the Council.

[*Latin ed. p. 550*]

We decree, determine, command, and order that the matters mentioned above be inviolably observed. Furthermore, by our own initiative, and with certain knowledge and mature deliberation, by the fullness of our apostolic power, by the tenor of these presents, we revoke, abolish, annul, and render void all and each indulgences, privileges, prerogatives, faculties, licenses, and all other concessions, by whatever name or expression they may be called, granted to all and each ecclesiastical persons, with whatever authority, dignity, honor, precedence, and jurisdiction, including our venerable Brothers, the Cardinals of the Holy Roman Church, whether individually or in their Congregations, even as legates from our side, or those who, for the time being, preside over our ecclesiastical affairs in provinces and legations, or those who are sent and delegated to elect or choose, among our most beloved sons in Christ, the King of the Romans as Emperor, or illustrious Kings and Queens, and other high powers, as circumstances may require; or those who, although they are superiors of other Churches, are nevertheless, as legates from this Holy See, named and considered, and perhaps are, or claim to be, or will be; or our Ordinaries, or extraordinary officials, and of the same apostolic See, wherever they may reside, even

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with the Emperor and Kings and high powers (except only for local Ordinaries, and all those superiors to whom, as Ordinaries, monasteries of nuns are subject, in necessary cases, and with other rights observed, and in no other way whatsoever), and finally, to all other persons, by whatever name or expression they may be called, to whom, at any time, by anyone, even by our predecessors, the Roman Pontiffs, for any reason, occasion, title, pretext, or pretense, through any apostolic letters, or in a similar form, through Briefs, or sealed with lead, or made, given, granted, and bestowed, or made, given, granted, and bestowed, concerning such entrance, we revoke, abolish, annul, and render void; and also, from the date of these presents, revoked, abolished, annulled, and rendered void, and of no consequence whatsoever.

[*Latin ed. p. 551*]

And to be of force and effect, and to be efficacious at any time; and whoever, at any time, shall presume to use any of the aforementioned powers, even those specially worthy of mention, or any similar faculty, either for themselves or for others, without due cause, shall incur and be subject to ecclesiastical penalties and censures imposed against those who violate the enclosure of nuns, from which, except by us and by the reigning Pontiff in Rome, they cannot be absolved, even at the point of death; and the license granted shall be of no effect, and shall be considered as if it had not been granted at all, and the ecclesiastical penalties and censures shall be incurred by the very act, as is stated above, by the one who commits the offense. We decree and declare that these present letters, and whatever is contained in them, shall never, at any time, be subject to the defect of fraud, or of deceit, or of nullity, or of our intention, or of the consent of those who have an interest, or in any other way, even if it were a very great and substantial, and unforeseen and unimaginable individual defect, to be questioned, challenged, revoked, brought into dispute, or reduced to the terms of the law, or to be the object of any legal remedy, or to be attempted or obtained, or, even after being obtained, or after any action, with full knowledge and power, to be used in judgment, or outside of it, or to be used in any way to help oneself; but these present letters shall always exist and be firm, valid, and effective, and shall have their full and complete effect, and shall be observed by those to whom they apply, and at any time whatsoever.

[*Latin ed. p. 552*]

It shall be established, and observed inviolably and without disturbance: and furthermore, that, in the matters mentioned above, by any ordinary or delegated judges, even the auditors of the causes of the Apostolic Palace, and the Cardinals of the Holy Roman Church, even as legates from their side, and messengers of the aforementioned See, or any others exercising

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or about to exercise any authority or power whatsoever, after having been deprived of any other power or authority to judge or interpret in any way, they must be judged and defined, and it shall be null and void if, concerning these matters, anything should happen to be attempted by any authority, knowingly or unknowingly, in a contrary manner. Notwithstanding the foregoing, and to the extent that it is necessary, without invalidating our and the Apostolic Chancery's rule concerning acquired right, or other apostolic constitutions: nor any statutes and customs, and usages and forms, even those of long standing; nor privileges, indulgences, and the aforementioned apostolic letters, to any other persons, even those adorned with any ecclesiastical or secular dignity, and otherwise qualified, and requiring a special expression, under any wording or forms whatsoever, and with any derogations, and other clauses, more effective, most effective, and unusual, and other decrees, even those made with full knowledge, power, and authority, and in consistory, and in any other way contrary to the foregoing, granted, issued, made, and repeated many times, and approved, confirmed, and renewed in any way. All of these and each of these, even if for their sufficient derogation from them, their entire content was not specifically, expressly, and individually mentioned, word for word, and not by general clauses, but in some other refined form to be observed for this purpose, shall, as if word for word, without omitting anything, and the form contained therein were observed and inserted, be considered as fully and sufficiently expressed and inserted, and shall remain valid in their own force, for the purpose of the foregoing, and we hereby expressly derogate, and declare to be derogated, from all other things to the contrary, and we wish it to be so. We decree that these present letters be transcribed, etc. Given at Rome, at St. Mary Major, under...

[*Latin ed. p. 553*]

On the 5th of January, in the year of Our Lord 1742, in the second year of Our Pontificate, DECREE VII. Concerning the enclosure of Religious. It is well known that the observance of regular discipline, even before it was confirmed by the decrees of General and Particular Councils of any nation or province, and by the laws and enactments of Our predecessors, the Roman Pontiffs, has been strictly maintained, namely, that no women whatsoever, even relatives, have been permitted to enter the enclosure of any religious men, so that, not only women, but also men, have had no access, and indeed have been forbidden, under the most severe penalties, not only to the cloisters or walls of the monasteries, but even to the oratories and churches of the same monasteries; and that, as Our predecessor, Pope Gregory the Great, says, "so that there may not be given to the people an opportunity for gatherings in the retreats of God, and that the more simple may, God forbid, be led into scandal." However, this regular discipline, although subject to so many changes and necessities with the passage of time,

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has nevertheless been such that Our predecessors have, at times, granted men and women access to the public churches of the monasteries, solely for the purpose of hearing the sacred Mass, attending to the preaching of the Word of God, receiving the Sacrament of the Most Holy Eucharist, and confessing their sins, without prejudice to the parish priests; but, on the other hand, Our predecessors, both before the decrees of the Council of Trent, and after the promulgation and publication of those decrees, have, with prudent and salutary constitutions and ordinances, under pain of even excommunication *latæ sententiæ*, forbidden all women from entering and having access to such enclosures. "For, as We have learned with sorrow, some" indeed, with either reckless audacity or at their own discretion, "have disregarded the apostolic laws and precepts concerning this matter..."

[*Latin ed. p. 554*]

"Some permit women of any kind to enter and have access to places which are manifestly and so openly forbidden to them; others, arrogating to themselves privileges, indulgences, prerogatives, faculties, licenses, and other concessions devised by any means, whether granted by law or by men, or whether granted or not, and concerning which duties are owed or are claimed, by reason of certain offices, dignities, and preeminences, allow, or command, or lead along with them, any women within the cloister, walls, and chambers of monasteries; others, finally, under the pretext of piety and religion, claim that, as is customary, men and women alike are permitted to follow and accompany prayers or processions through the cloister, walls, and other places of the monastery, along with the most holy Sacrament of the Eucharist, or with the relics, statues, and images of the saints, and indeed, they assert that it is necessary in order that they may obtain indulgences."

"Therefore, we, who, while still in a lower position, had observed many such abuses, now, being established in this exalted and sacred observatory of the holy Apostleship, are reminded daily, not so much by the documents of some other prelates, as by just and earnest remonstrances from superiors and other men of religious orders, zealous for the honor of God and for the discipline of their institutes, concerning the aforementioned abuses and similar ones, so that, as is fitting and salutary, we may provide a remedy for such abuses, as far as it is in our power; by apostolic authority, by the tenor of the present document, we first of all renew and confirm all the constitutions and enactments issued by our predecessors, the Roman Pontiffs, both before and after the decrees of the Council of Trent concerning the enclosure of the monasteries of all religious men, and we decree that, in the future, all and each of those to whom it applies, and to whom it will apply in the future, shall observe them inviolably, under the same penalties contained in the constitutions and enactments of our predecessors, the Ro-

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man Pontiffs, and in the decrees of the same Council of Trent. Furthermore, by our own motion, and with full knowledge and mature deliberation..."

[*Latin ed. p. 555*]

Concerning our deliberations, and regarding the fullness of apostolic power, by the tenor of these presents, all and each grants, privileges, prerogatives, faculties, licenses, and whatever else is stipulated by agreement, are granted to all and each ecclesiastical persons whatsoever who exercise authority, dignity, honor, preeminence, and jurisdiction, including also to our venerable Brothers, the Cardinals of the Holy Roman Church, whether individually, or the Congregations of the same Cardinals, even as legates from our side, or those who preside over provinces and legations of our ecclesiastical state for the time being, or those who may be sent and delegated to choose, or to elect, kings and queens illustrious, and other supreme powers, as circumstances may require, or who, although prelates of other Churches, are nevertheless, as legates from this apostolic Holy See, named and held to be, and perhaps are, or claim to be, and are to be held in the future: whether ordinary or extraordinary, of the same apostolic See, wherever they reside, even to the emperor and kings, and supreme powers, as well as finally to all other persons whatsoever, by whatever name and expression they are called, at any time, from whom, even from our predecessors, the Roman Pontiffs, whatever the cause, occasion, title, pretext, through any apostolic letters, or in a similar form of Brief, or dispatched under seal, or made, given, granted, and bestowed, or made, given, granted, and bestowed, concerning such access and entry, we revoke, abolish, annul, and render void; and also, from the day that these presents are revoked, abolished, annulled, and rendered void, they shall be of no moment or force whatsoever, and we decree and declare that they shall be of no effect to anyone at any time. Moreover, we decree and declare that anyone who shall dare to use any of the aforementioned faculties, even those worthy of special mention, shall, by such act, without any further declaration, incur ecclesiastical penalties and censures, from which, except by us, and by the Roman Pontiff for the time being, they cannot be absolved, unless at the point of death.

[*Latin ed. p. 556*]

And it is to be understood that any license of this kind granted to anyone shall in no way be valid, and shall be of no consequence, as if it had not been granted at all; and that, by this very fact, it shall be considered null and void, and shall incur ecclesiastical penalties and censures, as is stated above, for the counterfeiter. We decree that these present letters, and whatever is contained in them, shall not be deemed invalid, nor shall they be subject to challenge, by anyone of any status, rank, order, eminence, or dignity, who may be interested in the matters mentioned herein, or who may claim to be

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so interested in any way, if they have not consented to them, nor have been summoned, cited, and heard, and if the reasons for which these letters have been issued have not been sufficiently presented, verified, and justified, or if, for any other reason, even if legally and privileged, under any pretext or guise, even within the body of the law, even if it involves a very great, extremely serious, and total injury, they shall never, at any time, be subject to the defect of fraud, or deception, or nullity, or to the lack of our intention, or the consent of those interested, or to any other defect, however great and substantial, and unforeseen and unimaginable, which requires individual expression; nor shall they be challenged, disputed, annulled, revoked, brought into question, or reduced to legal terms, nor shall any remedy of law, restitution, or other legal action be attempted or obtained against them; nor shall anyone, even with full knowledge, power, and authority, be able to use them in any legal proceeding, or outside of it, nor to benefit himself in any way; but these present letters shall always exist and be valid and effective, and shall have their full and complete effect, and shall be inviolably and unreservedly observed by those to whom they apply, and at all times. Thus, and in no other way, shall these matters be judged and determined by any judges, ordinary or delegated, including auditors of the causes of the Apostolic Palace, and by Cardinals of the Holy Roman Church, even as legates from their side, and by envoys of the aforementioned See, or by any others exercising any authority or function, and to whom, and to each of them, any other power of judgment or interpretation is removed, and their authority is taken away, and they shall be judged and determined, and if otherwise, it shall be declared invalid and void by anyone with knowledge or ignorance.

[*Latin ed. p. 557*]

Should it happen that someone attempts to challenge this, notwithstanding the foregoing, and to the extent that it is necessary, our regulations, and those of the Apostolic Chancery regarding matters of law, which are not to be set aside, as well as other apostolic constitutions and ordinances, and also any statutes and customs, and usages and practices, even those of long standing, and privileges, indulgences, and apostolic letters previously mentioned, and other things whatsoever, even if addressed to individuals of any ecclesiastical or worldly rank, or otherwise qualified, and requiring special expression, under whatever wording or form, and with whatever clauses, even those that seem to contradict, and other more effective, most effective, and unusual clauses, and annulments, and other decrees, even those similar in motion, knowledge, and fullness of power, and those issued by a consistory, and other things in any way contrary to the foregoing concessions, issued, made, and repeatedly iterated, and approved, confirmed, and renewed in any way, all of these and each of these, even if for their sufficient derogation from them, a special, specific,

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explicit, and individual mention, or any other expression, word for word, and not merely through general clauses, would have to be made, or some other suitable form used to preserve them, such terms and clauses, as if they were expressed word for word, without omitting anything, and in the form therein contained, would be understood and inserted, present for being fully and sufficiently expressed and included, leaving the others in their full force, for the effect of the foregoing, we hereby expressly derogate and intend to have derogated from them, and from all other contrary things whatsoever. "Furthermore, by these present documents, we do not intend to have derogated from those concessions which have been granted to favor certain noble women, either because they are or have been the founders, or for the time being are members of the family, of that monastery, within whose walls or enclosures women of the family are permitted to enter, or have been granted permission, or have been provided for, and who have obtained confirmation of such a concession from this Holy Apostolic See; or if such women are relatives and affine of those who are the temporal lords of the places in which the monastery is located, or..."

[*Latin ed. p. 558*]

"Monasteries are found, and whatever legitimate titles or customs, and by occasion, enjoy entrance of this kind, have been made and granted; provided that such concessions have been made and granted only through apostolic documents in a similar form, either in a brief or under a seal, and not otherwise, and that it has been previously established to the ordinary authorities of the place, to the superiors, or to the prelates, through legitimate and authentic documents; and provided that they do not enter for the purpose of wandering about, or idling, or eating and drinking, or passing through corridors, chambers, dining rooms, or other places and workshops, but with the intention of attending the Churches, hearing the holy sacrifice of the Mass, and performing other works of piety and service to God; and provided that those who enter are duly informed of their arrival, and that their entrance is done at an appropriate time, so that, without causing inconvenience or offense to the brothers, they may proceed directly to the Church, and that other things that are due may be observed. We decree that, upon receiving a copy of these present letters, etc. Given in Rome, at the Basilica of Saint Mary Major, under the seal of the Fisherman, on the third day of January, in the year one thousand seven hundred and forty-second, in the second year of Our Pontificate. DECRET VIII. Concerning marriages of heretics in Holland and Belgium. Marriages, which are commonly celebrated in the territories of the federated orders in Belgium, either between heretics from both sides, or between a heretic from one side and a Catholic woman from the other, or vice versa, without observing the form prescribed by the holy Council of Trent, whether they are to be considered valid or not, has been debated for a long time, and the minds

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of men, and the opinions, have been divided; which has sown a sufficient seed of anxiety and danger for many years, since, in particular, the bishops, parish priests, and missionaries of those regions had nothing certain on this matter, and the Holy See would not dare to establish and declare anything without careful consideration. But, in recent years, in such a complex and serious matter, the judgment of the Apostolic See has been more strongly sought..."

[*Latin ed. p. 559*]

The most vigilant Bishop of Ypres was concerned, and urged that, in fulfilling his duty and showing due reverence for the See of the blessed Peter, he reported the state of the Church entrusted to him to the Roman Pontiff, and he sought to put an end to such prolonged doubt with the most serious words and reasons: Pope Clement XII, the Roman Pontiff of that time, who assessed the gravity of the matter as was fitting, gave instructions to the most eminent Sacred Congregation of Cardinals of the Council of Trent, to carefully examine the entire controversy in its own manner. Therefore, wishing to proceed with the utmost care in this matter of such importance, the aforementioned Sacred Congregation deemed it necessary to begin its examination with accounts and opinions from other Bishops of Belgium, which it sought to investigate, and at the same time, it wished to hear a few outstanding theologians of this esteemed city, to whom it ordered that they thoroughly discuss the matter and express their opinion. But while these things were being done, the proceedings in this matter were suspended for several months, due to a vacancy in the Roman Church, until the Most Holy Lord Pope Benedict XIV, having been happily elevated to the Supreme Pontificate, among the first concerns of his governance, ordered the aforementioned Sacred Congregation of the Council to resume the examination of this matter, which he wished to have presented before him, so that, after hearing the opinions of the most eminent Fathers, he himself might, with his supreme pronouncement, declare what should be held in this matter. Therefore, when the aforementioned Congregation was presented before his Holiness on May 15th of the current year, 1741, the Most Holy Lord, having taken some time to consider the matter, ordered that the following declaration and instruction be written, so that, as a certain rule and norm, all Bishops of Belgium, parish priests, and missionaries and vicars apostolic of various regions should henceforth use this in similar matters. Firstly, with regard to marriages celebrated among heretics among themselves in places under the dominion of federated orders, not according to the form prescribed by the Council of Trent, although his Holiness is not unaware that, in certain particular cases, and after considering the circumstances then presented, the Sacred Congregation of the Council has declared them

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invalid, it is nevertheless understood that...

[*Latin ed. p. 560*]

It has been defined by the Apostolic See, and it is necessary for the good of all the faithful living in those places, to declare what should generally be thought concerning these marriages, in order to avert very grave inconveniences; after mature deliberation on the matter, and after carefully weighing all the relevant considerations, it has declared and decreed that marriages contracted in the aforementioned federated provinces of Belgii between heretics are to be considered valid, and that those which are contracted in the future, even if the form prescribed by Trent is not observed in their celebration, provided that no other canonical impediment exists; and therefore, if it should happen that one or both spouses convert, both spouses are to be received into the bosom of the Catholic Church, and are to remain, as before, entirely bound by the conjugal bond, even if the mutual consent is not renewed before a Catholic priest; but if only one of the spouses, whether male or female, converts, neither spouse can, as long as the other survives, enter into another marriage. As for those marriages which are contracted in the same federated provinces of Belgii, without the form established by Trent, between Catholics and heretics, whether a Catholic man marries a heretical woman, or a Catholic woman marries a heretical man, His Holiness laments above all that there are among Catholics those who, shamefully demented by a mad love, do not abhor these detestable unions, which the Holy Mother Church has perpetually condemned and forbidden, and that they do not entirely abstain from them; and He praises greatly the zeal of those prelates who strive to restrain Catholics with stricter spiritual penalties, so that they do not join themselves to heretics by this sacrilegious bond; He earnestly and gravely exhorts and warns all bishops, vicars apostolic, pastors, missionaries, and all other ministers of God and the Church living in those parts, to dissuade Catholics of both sexes, as much as possible, from entering into such marriages, which lead to the ruin of their souls, and to strive with all possible means to prevent and frustrate these marriages. But if, perchance, a marriage of this kind, not observed according to the form of Trent, has already been contracted there, or if it should happen in the future (may God avert it), His Holiness declares,

[*Latin ed. p. 561*]

Such a marriage, provided there is no other canonical impediment present, is to be considered valid, and neither of the spouses, as long as one of them survives, can, under the pretext of the aforementioned form not being observed, enter into a new marriage. Moreover, it is incumbent upon the Catholic spouse, whether man or woman, to bear in mind the most grievous sin committed, to do penance for it, and to seek forgiveness

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from God, and to strive with all his power to bring the other spouse, who has been led away from the true faith, back into the bosom of the Catholic Church, and to work for the salvation of his soul; and this, moreover, will be most opportune for obtaining forgiveness for the crime committed in the marriage. Furthermore, it is to be understood that, as was stated above, he will be perpetually bound by the bond of this marriage.

In addition, His Holiness declares that whatever has been sanctioned and said up to this point concerning marriages, whether contracted between heretics themselves, or between Catholics and heretics, in places subject to the jurisdiction of the religious orders in Belgium, is also to be understood to apply to similar marriages contracted outside the boundaries of their jurisdiction by those who are attached to legions, or military units, which are commonly sent by those same religious orders to guard and defend the neighboring fortresses, commonly called "di Barriera"; in such a way that marriages contracted there, apart from the form of Trent, whether between heretics on both sides, or between Catholics and heretics, are to be considered valid, provided that both spouses belong to the same units or legions. And His Holiness intends this declaration to apply even to the city of Maastricht, which, although not held by right of dominion, but only by occupation, as they say, belongs to the Republic of the religious orders.

Finally, concerning marriages contracted either in the territories of Catholic princes by those who reside in the provinces of the religious orders, or in the provinces of the religious orders by those who reside in the territories of Catholic princes, His Holiness has not deemed it necessary to make any new pronouncements or declarations, but desires that, in such cases, decisions be made according to the principles of common canon law, and according to other resolutions issued by the Sacred Congregation of the Council, which have been approved in similar cases, whenever a dispute arises; and thus He declares, ordains, and commands that this be observed by all from now on.

Given at Rome, this 4th day of November, 1741.

[*Latin ed. p. 562*]

DECREE IX. Concerning dispensations in marriages. It pertains to the diligent care of the ministry of our apostolic service to vigilantly ensure that dispensations concerning degrees of affinity, or consanguinity, within which marriages are prohibited, or concerning other impediments established by the sacred Canons, are not granted, unless for just reasons, and that all such matters are removed, lest any stain be cast upon the name, and the honor of the Roman Church, over which, though undeservedly, we preside by divine benevolence. Indeed, in order to obtain dispensations, those who request them usually express, in a written petition, the reasons for which they seek them; and if these reasons are such that, according

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to canonical sanctions, and the prudent judgment of ecclesiastical provision, there appears to be grounds for granting a dispensation, it is usually granted, and its execution is most often entrusted to the Ordinary, to whom the duty is incumbent of diligently inquiring whether the reasons presented are based on truth, so that, if these reasons are true, the grace of execution may be demanded; otherwise, if the reasons are not at all consistent with truth. But it sometimes happens that, for reasons that are very far from being true, a dispensation is not granted for execution; and those who have obtained it then complain to those who manage affairs, or to the expediters of apostolic letters, from whom they are sometimes answered that the execution has been wrongly and unjustly denied, because the expression of reasons, and their verification, in dispensations, is not something substantial, but rather a certain formality, and a custom of forensic style: which is no less contrary to truth than it is subversive of the order and manner of execution, which has been well and prudently established; since the expression of reasons, and their verification, pertain to the substance and validity of the dispensation, and if these are lacking, the dispensation is null and void, and does not deserve any execution. This, however, most often occurs in dispensations, in which it is customary to include the clause: "And if the petitioners were in danger of death." These clauses are often added in dispensations concerning the first and second degrees, and in some other canonical impediments, without any reason, cause, or truth.

[*Latin ed. p. 563*]

If such a case is discovered, the Ordinary pastors of the places, who act with greater caution and accuracy, unless there is imminent danger to life, refuse to grant the dispensation; while others, perhaps misled by a false rumor, that such a clause is merely a formality, proceed with undue leniency, failing to verify the danger to life with probable arguments, and even when it is clearly demonstrated to the petitioners that such danger exists, they grant the dispensation. Our predecessor, Pope Pius V, in his constitution, expedited by a proper process and published on December 5th, in the year 1566, which begins: "As We have learned: 'We decree that all and each procurators, whether of the Sacred Penitentiary Office, or of Appeals, or of any other kind, and writers, who, concerning the truth of a matter, which they have learned from the account given by the parties themselves, make a distinction, or in any way alter, or change, or corrupt, the essential and necessary qualities, and by deceit and trickery, extort favors from the Roman Pontiffs, shall incur the penalty of falsehood, and ought to be punished with it entirely.'" This constitution, although it appears to pertain only to the procurators, solicitors, and writers of the Sacred Penitentiary Office, where, at that time, matrimonial dispensations were also granted in the external forum, nevertheless, for the sake of our pastoral and paternal care,

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entrusted to us from on high, we urge, warn, and command all and each administrators, procurators, and expediters of "Apostolic Letters, even of our own," that when they are about to present humble petitions for a matrimonial dispensation, they should first and foremost take care to obtain full and accurate knowledge of the facts, inquiring from the petitioners themselves whether these and those causes are present, from which they know that a dispensation is usually granted in this or that case; then, in the petition itself, they should present a clear and sincere account of the facts, and they should take great care not to alter, change, invert, or corrupt it in any way in essential matters, but should strictly adhere to what has been presented to them by the petitioners, and even more, they should abstain from inventing or devising anything false or fictitious with their own ingenuity, in order to obtain the favor of the dispensation.

[*Latin ed. p. 564*]

"that they may obtain what they seek in their prayers," always keeping in mind that they must demonstrate their service in ecclesiastical affairs in this venerable City, where the chair of truth is located, that they love truth alone, and follow truth, not gain, or the favor of those who petition, and that they diligently see to it that they may not, through falsehood or error, justly be accused to the detriment of their souls, falsely and improperly asserting causes, and that the verifications of those causes, which, according to the provident disposition of our predecessors, are customarily appended to such grants for the strengthening of ecclesiastical discipline, and for the observance of canonical laws and apostolic constitutions, and are appropriately requested, are deemed vain and superfluous, and are made to appear as empty formalities of the Curia, of little or no value. Furthermore, desiring to utterly abolish these grave abuses, by which the honor and dignity of this venerable City are dishonored, and the splendor and dignity of the Apostolic See are diminished, by our own authority, based on certain knowledge and the fullness of our apostolic power, we extend, enlarge, and apply to all "those aforementioned managers, procurators, and executors" of apostolic letters, of whatever status, rank, order, and condition, and endowed with whatever indulgences, privileges, and dignities, the aforementioned "Constitution of our Most Holy Predecessor," and we decree that it be renewed and amended as necessary; we will and decree that in all the cases above expressed, the penalty for falsehood shall apply to those who are guilty, without prejudice to the obligation "of refunding the expenses to the petitioners who, through their fault, have obtained such dispensations, which cannot be demanded for execution." Finally, we earnestly implore and beseech all and each of the venerable Archbishops, Bishops, and local Ordinaries, and all other "Executors of Apostolic Letters, to whom the execution of such dispensations is usually entrusted," to diligently and carefully attend before they execute the grant

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of a dispensation, to whether the causes expressed in the apostolic letters, and the verification of which is entrusted to their care and vigilance by the Apostolic See, are true, or whether, on the contrary, a false representation has been made to the Apostolic See, and the truth has been concealed: concerning which matter, they must examine their own consciences."

[*Latin ed. p. 565*]

We are concerned. And since in those same apostolic letters concerning dispensations in prohibited degrees, and other presented impediments, certain things have been observed which sometimes the executors must present, and which often cause scruples in their minds, it will be the concern of our apostolic solicitude to explain and declare these matters more clearly and openly in those same apostolic letters concerning dispensations, so that, with all doubt removed, and causes before the executor of this kind of proof having been proven, whereby one may be morally certain of their truth, the apostolic letters concerning matrimonial dispensations may be brought to proper execution without any hesitation. We also command and enjoin our beloved son, Pompeius, presbyter of the title of Saint Euchus of the Holy Roman Church, known as Cardinal Aldovrandus, our Prothonotary, and to his successors, the Prothonotaries of the apostolic chancery, or the Prothonotaries existing at the time, that they punish those found guilty and culpable of perjury, as alleged, with the penalty of the false witness, and with the power to summon, even by edict, and to summarily decide on matters concerning the safe access, and to say and do whatever else is necessary, or in any way appropriate, in these matters. Notwithstanding the apostolic constitutions and ordinances, statutes, and customs, and any indulgences and privileges whatsoever, granted to any persons, even those especially worthy of mention, etc. Given at Rome, near Saint Mary Major, on the fifth day before the Kalends of March, in the year of the Incarnation of the Lord 1742. In the second year of our pontificate. It is fitting here to add the Holy Father Clement XIII's Constitution on Fasting, which is as follows. To the Venerable Brothers, Patriarchs, Primates, Archbishops, and Bishops. CLEMENT, POPE XIII. Venerable Brothers, greetings, and apostolic Benediction. As the sacred season of Lent approaches, which is full of mysteries, and not without the great solemnity of Easter.

[*Latin ed. p. 566*]

It is necessary, venerable Brothers, to ensure that the most sacred fast is observed piously and religiously by the faithful, a practice commended by the testimonies of the Law and the Prophets, consecrated by our Lord Jesus Christ, transmitted by the Apostles, and perpetually maintained by the Catholic Church, so that, through the mortification of the flesh and the humbling of the soul, we may become more prepared to approach the mysteries of the Lord's Passion and the Paschal sacraments, and to

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rise again in His Resurrection, in whose Passion we are mortified to the old man. With zealous concern for the preservation of this most holy and salutary institution, Our Blessed Predecessor, Benedict XIV, stirred up the outstanding zeal of your Congregations with two Letters in the form of a Brief, so that, through your efforts and diligence, the discipline of the Lenten fast, which had been weakened by numerous corruptions, might be restored to its former observance; and for this reason, he removed certain objections by which the power of fasts was undermined. However, since the flock of the Lord is beset by so many and constant snares from the most insidious and detestable enemy of the human race, and it is to be feared that that enemy might suggest new and perverse arguments and customs to weaker minds, by which the severity of the fast, recently restored, might again be relaxed, We have deemed it necessary to write to you in this matter, and We wish to inform your Congregations, lest any old corruption should remain, or any new flaw be introduced, to the detriment of the faithful and the discipline of the Church in this regard. And We believe that this concern of ours should be lessened only to the extent that vigilance in your pastoral duties increases; therefore, whether anything of the old corruption may have remained after the Letters of Our Predecessor mentioned above, or whether, in violation of the laws of fasting, or through comments on opinions, or through customs recently invented by human perversity that are abhorrent to the true nature of fasting, anything has been introduced, you must take care to eradicate all such things, as far as it is possible with the Lord's help. Among these, We certainly consider it necessary to denounce that abuse which a certain report has brought to Our attention; for some, to whom dispensation has been granted from abstinence from meat for just and legitimate reasons, believe that they are permitted to take drinks mixed with milk, contrary to what Our Predecessor considered.

[*Latin ed. p. 567*]

He judged that those who are dispensed from abstinence from meat, as well as those who fast in any way, should be considered equal in all respects to those to whom no dispensation is granted, and therefore that only those who have no dispensation should be permitted to eat meat, or anything derived from meat, on a single occasion. Moreover, do not attempt to entice people to observe the sacred law of fasting with greater promises or hopes of advantage than this: that the penance of a Christian man, besides ceasing from sins and detesting his former evil life, and making a sacramental confession of his sins, also requires that we satisfy divine justice through fasts, prayers, almsgiving, and other works of spiritual life; for every injustice, whether small or great, must be punished, either by the penitent himself or by God avenging it; therefore, if we do not wish to be punished by God, we can avoid this in no other way than by punishing ourselves. And this doctrine, if constantly impressed upon the minds of the people, and

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finally absorbed by the faithful, will certainly prevent some from rejecting profligate habits after having confessed their sins sacramentally, and from wishing to atone for those same sins, by abstaining from meat through fasting, thereby curbing the concupiscence of the flesh. Furthermore, those who are convinced that they are repenting of their sins more readily when they do not allow themselves to be unpunished, will certainly, captivated by the love of penance, rejoice when, during the Lenten season and on other designated days, the Holy Church commands the faithful to fast, seeing that it is an opportunity to produce worthy fruits of penance. And since it is necessary for everyone at all times to restrain their desires, it is written: "After concupiscences, and not after them, turn away from your will." It is therefore easy to persuade the mind to mitigate the intemperance of the body through fasting, especially during the most sacred time of the year, so that the soul, having regained knowledge of itself, may understand how it must prepare itself for the most holy mysteries of the Passion, Death, and Resurrection of Jesus Christ. Therefore, touched by the incentives of penance, they will seek less pleasure in food, and will follow less the delights of desires, which, although they may seem to differ nothing from abstinence from forbidden foods, are such that one might rightly say that he who provides them for his table has not so much abandoned the usual pleasures, as he has led his desire to unusual delights. Finally,

[*Latin ed. p. 568*]

Or, those who seek to excuse themselves from fasting, may devise excuses, or strive with cunning to violate the ecclesiastical law. Therefore, it is your duty, venerable Brothers, to lead the people by example as well as by word, so that you may instill in their hearts a desire for penance and a love for it, so that they may eagerly embrace the fast, and observe it according to the laws prescribed by the Holy Church, and also sanctify it with almsgiving and prayer; and so that, finally, they may achieve that which is most important for the Church, namely, that, having mortified the body and united themselves with Christ, they may, at the renewal of life in the Paschal solemnity, be able to meet the resurrected Christ Lord with great confidence. The grace of our Lord Jesus Christ be with you all, and with you we impart our apostolic blessing, a pledge of our benevolence and of our charity. Given in Rome, at Saint Mary Major, on the twentieth day of December, in the year 1759, in the second year of our pontificate. By the Constitution of Leo XII, dated March 15, 1825, which condemns secret and clandestine sects: including also the constitutions on this matter of Clement XII, Benedict XIV, and Pius VII. (1). Leo, Bishop, Servant of the Servants of God, for the perpetual memory of the matter. As more serious evils threaten the flock of Christ our God and Savior, the Roman Pontiffs must exert even greater diligence in warding them off, to whom the power and care of tending and governing that flock have been entrusted, in the

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blessed Apostle Peter, its prince. It pertains to those who, being placed in the highest positions of the Church, must look further ahead, to discern the snares that the enemies of the Christian name devise to destroy the Church of Christ (which, however, they will never achieve), and then to reveal and expose these to the faithful, so that they may beware of them, and also to avert and destroy them with their authority. This most important duty belongs to them. (2) Not I myself, but the author of this latest edition, has placed this Constitution of Leo XII here, because it deals with a very important matter and is frequently encountered. Edit.

[*Latin ed. p. 569*]

Understanding the gravity of the matter, the Roman Pontiffs, our predecessors, constantly watched over their flock, and with exhortations, teachings, decrees, and even with the sacrifice of their own lives, they strove to prevent and utterly destroy those sects which threatened the ultimate ruin of the Church. The memory of this solicitude on the part of the papacy cannot be erased merely by the passage of time. What our predecessors and our forefathers accomplished with the Roman Pontiffs, namely, to oppose those secret societies of men who were maliciously opposed to Christ, clearly demonstrates this. For, our predecessor, Clement XII, seeing that the sect of the "liberi muratori," or "des francs-maçons," or by whatever other name it might be called, was growing stronger day by day, and having certainly known, through many arguments, that it was not merely suspect, but truly an enemy of the Catholic Church, condemned it with a clear constitution, entitled "In Eminenti," published on the fourth day before the Kalends of May in the year 1758. The text of which is as follows: Clement, Bishop, Servant of the Servants of God, to all the faithful of Christ, greetings and the apostolic blessing. From the heights of the apostolate, with merits that are, although unequal, arranged by divine providence, we, according to the duty of pastoral care entrusted to us, constantly dedicate ourselves with diligent study to those matters through which, by excluding the entrance of errors and vices, the integrity of the orthodox religion may be preserved above all, and from which the entire Catholic world may be protected from the dangers of these difficult times. Indeed, it became known to us, even through public reports, that certain societies, groups, assemblies, collections, aggregations, or gatherings, commonly called the "liberi muratori," or "des francs-maçons," or by some other name according to the variety of languages, were making great progress and growing stronger day by day, in which men of any religion and sect, seemingly affected by a certain appearance of natural honesty, are closely and equally associated with each other, according to laws and statutes established for themselves; and these, while secretly operating, are bound by a strict oath, with the Holy Scriptures interposed, and by the exaggeration of severe penalties, to maintain

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inviolable silence.

[*Latin ed. p. 570*]

Indeed, because of the nature of this wickedness, which betrays itself and proclaims the sign of its own guilt, these aforementioned societies or assemblies have instilled such a strong suspicion in the minds of the faithful, that to give these gatherings a name among prudent and upright individuals is entirely the same as incurring the mark of depravity and perversion; for if they did not act wickedly, they would certainly not bear such hatred. This rumor has grown so much that, in many regions, the aforementioned societies have long been proscribed and banished by the authorities of the time, as being detrimental to the security of the kingdoms. Therefore, desiring to avert the most serious damages that are inflicted, both upon the temporal tranquility and, indeed, upon the spiritual salvation of souls, by such societies or assemblies, and because we are taught by divine eloquence to watch day and night (as a faithful and prudent servant, and as the head of a domestic family), lest this kind of people, like thieves, pierce the house, and, like foxes, attempt to destroy the vineyard, lest they pervert the hearts of the simple and wound the innocent in secret; and to block the widest path, which could be opened for the unrestrained commission of injustices; and for other just and reasonable reasons known to us, we decree and determine that these societies, gatherings, assemblies, collections, associations, or assemblies, called by the name of "Free Masons" or "Freemasons," or by any other name, are to be condemned and prohibited, after the counsel of some of our most venerable Brothers, Cardinals of the Holy Roman Church, and also by our own initiative, and by the fullness of our apostolic power. Therefore, we command and enjoin all and each of the faithful of Christ, of whatever state, degree, condition, order, dignity, or eminence, whether lay or clerical, both secular and regular, with specific and individual mention and expression worthy of consideration, to strictly and in virtue of holy obedience, that no one, under any pretext or pretense, dare or presume to enter, or to spread, foster, or promote, the aforementioned societies of "Free Masons" or "Freemasons," or others now called, in their houses or homes, or elsewhere.

[*Latin ed. p. 571*]

To receive, and to conceal, to enroll, to aggregate, or to intercede, or to exercise power or influence so that others may be convened, to minister to them in some way, or to offer counsel, aid, or favor, openly or secretly, directly or indirectly, by oneself or through others, and also to urge, induce, provoke, or persuade others to join such societies, to be enrolled among them, or to participate in them, or to assist them in any way, but they must entirely abstain from such societies, groups, assemblies, collections, aggregations, or gatherings, under the penalty of excommunication, which

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all those who, as mentioned above, commit such offenses incur by the very act, without any declaration, from which no one, by anyone, except by us or the Roman Pontiff currently in office, except in articulo mortis, can obtain the benefit of absolution. We also wish and command that both bishops and superiors, prelates, and other ordinaries of places, as well as those appointed everywhere to investigate cases of heretical depravity, against transgressors, of whatever rank, status, condition, order, dignity, or eminence, proceed and investigate, and that they punish and restrain those whom they suspect of heresy with due penalties: to them and to each of them, with respect to those who transgress against them, we grant and impart the free faculty and power to proceed and investigate, and to punish and restrain with due penalties, even invoking, if necessary, the aid of secular authority. We decree that, even from these present documents, transcribed and signed by the hand of a public notary, and sealed with the seal of a person in an ecclesiastical office, the same faith be given to them, as would be given to the original documents themselves, if they were presented or shown. Therefore, no human being is permitted to violate or, with reckless audacity, to contradict this page of our declaration, condemnation, mandate, prohibition, and interdiction: if anyone should presume to attempt this, let him know that he will incur the wrath of the Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, at the Basilica of Saint Mary Major, in the year of the Incarnation of the Lord one thousand seven hundred and thirty-eight, on the fourth day before the Kalends of May, in the eighth year of our pontificate.

[*Latin ed. p. 572*]

These things, however, were not sufficient for Benedict XIV, of blessed memory, our predecessor. For it had become known that the sentence of excommunication, pronounced in writing against Clement, who had recently died, had already become void, because Benedict had not explicitly confirmed those writings. Indeed, it was absurd to contend that the laws of former Pontiffs become obsolete unless expressly approved by their successors; and moreover, it was manifestly clear that Benedict had frequently held Clement's constitution to be valid. Nevertheless, Benedict considered that even this objection needed to be refuted, and he issued a new constitution, beginning with the words "Providas," on the fifteenth day before the Kalends of April, in the year one thousand seven hundred and fifty-one, in which he reaffirmed Clement's constitution in its entirety, in the very words thereof, in a form (as they say) which is the most complete and efficacious of all. And such is Benedict's constitution: Benedict, Bishop, Servant of the Servants of God, for the perpetual memory of the matter. We fear not only that the laws and decrees of our predecessors, the Roman Pontiffs, may be weakened or extinguished either by the passage of time or by the neglect of men, but we also consider it necessary, for just and

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weighty reasons, to strengthen and confirm those which still possess full force and vigor, with the new authority of our own sanction. Indeed, our predecessor of blessed memory, Pope Clement XII, through his apostolic letters, dated in the year one thousand seven hundred and thirty-eight, on the fourth day before the Kalends of May, in the eighth year of his pontificate, and inscribed for all the faithful of Christ, beginning with the words "In eminenti," condemned and forbade forever certain societies, groups, assemblies, collections, gatherings, or congregations, commonly known as "the free masons," or otherwise called, which were then widely spread and increasing daily in some regions, under pain of excommunication for all and each of the faithful of Christ, by the very fact of their participation, without any declaration being required, from which no one...

[*Latin ed. p. 573*]

...that he might be absolved by someone other than the Roman Pontiff then in office, except for the article concerning death, lest anyone dare or presume to enter, or spread, or foster, or receive, or associate with, or be part of, such societies, or otherwise, as is more fully and abundantly contained in the aforementioned documents, the tenor of which is as follows, namely, etc. etc. However, since, as we have learned, some have not hesitated to assert and publicly boast that the aforementioned penalty of excommunication, imposed by our predecessor (as it is said), no longer applies, because the aforementioned constitution has not been confirmed by us, as if a clear confirmation from the successor of the Pope were required for the validity of the apostolic constitutions issued by his predecessor. And since it has also been suggested to us by some pious and God-fearing men that it would be very beneficial to declare, in order to refute all the subterfuges of the calumniators and to demonstrate the uniformity of our mind with that of the aforementioned predecessor, that we would add a new confirmation to the constitution of that predecessor; We have, however, and shall continue to do so, while many of Christ's faithful, truly repentant and sorrowful for the violation of the aforementioned laws, sincerely profess that they will completely withdraw from such societies or associations and will never return to them in the future, we have granted, and will continue to grant, absolution from the aforementioned excommunication, both frequently in the past and especially during the Jubilee year. Or, while we have granted the Penitentiaries appointed by us the power to administer the same absolution in our name and authority to such penitents who turn to them, we have also diligently and vigilantly ensured that competent judges and tribunals proceed against those who violate the aforementioned constitution, which has indeed often been done. We have provided not merely probable, but plainly evident and undeniable arguments, from which our sentiments and our firm and deliberate will regarding the validity and continued force of the censure imposed by the aforementioned Clement

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(as it is said) should have been clearly inferred; if, however, any contrary opinion were held about us, we could safely disregard it, and the cause of God would be justly...

[*Latin ed. p. 574*]

To leave a powerful judgment, using those words which it is known were once recited among the sacred actions: "We beseech you, O Lord, that we may not care for the objections of reprobate minds: but, having been trodden down by the same wickedness, we implore that you may not allow us to be torn by unjust tortures, nor entangled by deceitful flatteries, but rather that we may love what you command." As the ancient Missal, which is attributed to our holy predecessor, Saint Gelasius, and which was published by the venerable Servant of God, Joseph Maria Cardinal Thomas, in the Mass which is said against those who mock, states: "Lest anything through us should be omitted, which could easily provide fuel for false calumnies and obstruct the truth," after having consulted with the council of some of our most venerable Brothers, Cardinals of the Holy Roman Church, we have decreed to insert the same constitution of our predecessor, as presented above, verbatim into the specific form (which is considered the most extensive and efficacious) and to confirm it: as we confirm, strengthen, and renew it, and declare that it shall have perpetual force and efficacy, through the tenor of these present letters, with all its parts (as if it had been first published by our own decree, authority, and name). Furthermore, among the most serious causes of the prohibition and condemnation mentioned in the aforementioned constitution, one is that in such societies and gatherings, men of any religion or sect associate with each other: from which it is clearly evident how much harm can be inflicted upon the purity of the Catholic Religion. Another is the close and impenetrable bond of secrecy, by which those things which are done in such gatherings are concealed: therefore, that judgment can rightly be applied, which Cœlius Natalis quoted with Minucius Felix (in a different case): "Honest things always delight in being public; wicked things are hidden in secret." A third is the oath by which they bind themselves to inviolably observe this secrecy: as if it were permissible for anyone to defend himself, by the pretext of any promise or oath, from being compelled by legitimate authority to confess everything that is inquired of him, in order to ascertain whether anything is done in such gatherings that is contrary to the state of religion or the republic and its laws. A fourth is that such societies are opposed by both civil and canonical sanctions.

[*Latin ed. p. 575*]

They are recognized as such: for, indeed, according to civil law, all colleges and societies, except those associated with public authority, are prohibited, as can be seen in Book XLVII, Title XXII of the *Pandects*, con-

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cerning illicit colleges and corporations, and in the celebrated letter of C. Pliny the Younger, which is Book X, Letter XCVII, in which he states that, by order of the Emperor, he had forbidden the *Hetaeria*, that is, societies and gatherings that could be formed and held without the authority of the prince. The fifth reason is that, already in many regions, these societies and associations of secular men have been proscribed and eliminated by law. Finally, among prudent and upright men, these same societies and associations were viewed with disfavor, and those who gave them the same names were considered to bear the mark of wickedness and perversion. Finally, the aforementioned predecessor, in the aforementioned constitution, urges Bishops and other superiors and local Ordinaries not to neglect to invoke the aid of the secular arm, if necessary, for the execution thereof. All of these things, and each of them individually, are not only approved and confirmed by us, and are likewise commendated and enjoined to the respective ecclesiastical superiors, but we ourselves, for the sake of our apostolic solicitude, invoke and earnestly request the aid and support of all Catholic princes and all secular powers, with regard to the matters mentioned above, since these very princes and powers are chosen by God as defenders of the Faith and protectors of the Church, and therefore it is their duty, by all suitable means, to ensure that due obedience and all manner of observance are given to the apostolic constitutions, as the Fathers of the Council of Trent, in Session XXV, Chapter XX, and even much earlier, excellently declared, the Emperor Charles the Great, in his capitularies, Title I, Chapter II, where, after demanding from all his subjects the observance of ecclesiastical sanctions, he added: "For in no way can we acknowledge that those can be faithful to us who appear to be unfaithful to God and disobedient to their priests. Therefore, commanding all the officials and ministers in his territories to compel all to exhibit due obedience to the laws of the Church, he also imposed very severe penalties against those who failed to do so."

[*Latin ed. p. 576*]

They were negligent, adding among other things: But those who, may it be far from us, have been found to be negligent or disobedient to these [decrees], let them know that they will not retain honors within our jurisdiction, even if they are our sons, nor will they have a place in the palace, nor any association or communion with us or with our people, but rather they will suffer punishments under our jurisdiction and with severity. We decree that the same faith be entirely applied to these present documents, transcribed, signed by the hand of a public notary, and sealed with the seal of a person of ecclesiastical standing, as would be applied to the original letters themselves, if they were presented or shown. Therefore, no one is permitted to violate this page of our confirmation, innovation, approval, commission, invocation, requisition, decree, and will, or to dare to oppose

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it with reckless audacity: if anyone should presume to attempt this, let them know that they will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, at the Basilica of Saint Mary Major, in the year one thousand seven hundred and fifty-first of the Incarnation of the Lord, on the fifteenth day before the Kalends of April, in the eleventh year of our pontificate. Oh, that those who held power at that time had enacted such decrees, as the salvation of the Church and of the Republic demanded! Oh, that they had understood that in the Roman Pontiffs, successors of the blessed Peter, they must not only see pastors and teachers of the entire Church, but also zealous defenders of their dignity and most diligent guardians against the dangers that loomed! Oh, that they had used that power to suppress the sects, whose pestiferous designs had been made known to them by the Apostolic See! They would have definitively resolved the matter from that time. But, whether through the cunning concealment of their affairs by the sectaries, or through the persuasion of some imprudent individuals, if they judged this matter to be one to be neglected, or at least treated lightly, other sects have arisen from those ancient Masonic sects, which never ceased, and are far more dangerous and audacious. All of these have, as it were, been embraced by the sect of the Carbonari, which was the foremost among the others in Italy and in some other regions, and was divided into various branches, bearing different names, and fiercely opposed the Catholic Religion, and all civil laws.

[*Latin ed. p. 577*]

He undertook to suppress a dangerous conspiracy. Through this calamity, Pope Pius VII, of blessed memory, freed Italy and other regions, and even the pontifical territories (into which, due to the prolonged impediment of papal governance, foreign invaders had penetrated), and he condemned the Carbonari, whatever name they might be called by, according to the customs, dialects, and people of the place, with the most severe penalties, by a constitution issued on the Kalends of September in the year one thousand eight hundred and twenty-one, which begins with the words: "The Church, founded by Jesus Christ." We have also deemed it necessary to include an example of this in our present writing, which is as follows: "Pius, Bishop, Servant of the Servants of God, for the perpetual memory of the matter." The Church, founded by Jesus Christ, our Savior, upon a firm rock, and against which He Himself promised that never would the gates prevail, has been attacked so often and by such formidable enemies, that, unless that divine and immutable promise had intervened, it would seem that it would be in danger of perishing completely, either by force, or by cunning, or by deceit. And what has happened in the past, has also occurred, and indeed, has been made manifest in this our sorrowful age, which seems to be the very time foretold by the Apostles (1), when deceivers will come, walking

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according to their own desires, in wickedness. For it is no secret that a great multitude of wicked men have gathered together in these difficult times, united against the Lord and against Christ, and they especially care to deceive the faithful, and to tear them away from the doctrine of the Church (and, albeit with a misguided effort), to undermine and destroy the Church itself. And in order to achieve this more easily, many of them have formed secret societies and clandestine sects, from which they hoped to draw many into their conspiracy and wickedness.

(1) In the epistle of St. Jude the Apostle, verse 18.

(2) Colossians II, 8.

[*Latin ed. p. 578*]

Long ago, this Holy See, having detected these sects, loudly and freely denounced them, and revealed the schemes which they secretly devised against the Religion, and indeed against civil society. Long ago, it aroused the vigilance of all, so that these sects might not be allowed to achieve that which they wickedly contemplated. But it is to be lamented that these efforts of the Apostolic See have not produced the results which it hoped for, and that wicked men have never abandoned the schemes they have undertaken; hence, those evils have followed which we ourselves have observed: indeed, men, whose pride has always soared, have dared to form new, secret societies. It must be remembered at this place the society recently formed, and widely spread in Italy and other regions, which, although divided into several sects, and sometimes assuming different and distinct names according to their variety, is nevertheless one in reality, in sentiments, and in actions, and is usually called the Carbonari. They indeed feign a special devotion and a certain wondrous zeal for the Catholic Religion, and for the person and doctrine of Jesus Christ our Savior, whom they even dare to call, in their society, their director and great master. But these words, which seem to be softened with honey, are nothing other than arrows, aimed by cunning men, who come in the clothing of sheep, but inwardly are ravenous wolves, to wound the less cautious. Indeed, that most severe oath, by which, largely imitating the ancient Priscillianists, they promise that they will never, at any time or under any circumstances, reveal to those not belonging to the society anything concerning that society, nor communicate with those who are in lower ranks anything pertaining to higher ranks; furthermore, those secret and illegitimate gatherings, which are customary among many heretics; and the recruitment of people of any religion and sect into their society; even if these things were absent, they are sufficient to persuade that no credence should be given to their words, as has been indicated above. But conjectures and arguments are not needed to judge their words in this

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way, as has been shown above.

[*Latin ed. p. 579*]

Books printed by themselves, in which the rationale is described that is commonly used in monasteries, especially of higher orders, including their catechisms and statutes, and other authentic and most important documents for the sake of faith, and also the testimonies of those who, having abandoned the society to which they previously adhered, have revealed its errors and deceptions to legitimate judges, clearly demonstrate that the Carbonari primarily aim to grant everyone great freedom to invent their own religion (which they may practice) according to their own inclinations and opinions, fostering indifference towards religion, through which scarcely anything more harmful can be conceived; to profane and pollute the Passion of Jesus Christ through certain of their nefarious ceremonies; to despise the sacraments of the Church (which they seem to replace with others of their own invention, a crime of the highest order), and even the very mysteries of the Catholic religion; and to overthrow this apostolic See, which, because in it the principate of the apostolic chair has always flourished, they are singularly hated, and they plot pestilent and pernicious things. Moreover, as is evident from the same documents, the precepts concerning morals that the society of the Carbonari transmits are wicked: although they confidently boast that they demand of their followers that they cultivate and practice charity and all kinds of virtues, and that they abstain most diligently from all vice. Therefore, it openly favors licentious pleasures: it teaches that it is permissible to kill those who have not kept the oath, which was mentioned above; and although the prince of the Apostles, Peter, commands (2) that Christians should be subject to every human creature for God's sake, whether to a king as a superior, or to rulers as sent by him, etc.; and although the Apostle Paul commands (3) that every soul be subject to higher powers; nevertheless, this society teaches that it is right, through incited seditions, to strip kings and other rulers, whom they dare to call tyrants with the utmost injustice, of their power. These and other dogmas and precepts of this society are from which the recent crimes committed in Italy by the Carbonari have sprung.

(1) S. Aug. epist. 43.

(2) Epist. I. Petri II. 13.

(3) Ad Rom. III. 14.

[*Latin ed. p. 580*]

The matters which have caused such profound sorrow to honest and pious men. We, therefore, who are appointed as watchmen of the house of Israel (which is the holy Church), and who, for the sake of our pastoral duty, must take care that the flock entrusted to us by God suffer no harm, deem it necessary, in a matter so grave, not to abstain from correcting the

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impure actions of these men. We are also moved by the happy memory of Clement XII and Benedict XIV, our predecessors, of whom one, on the fourth day of May in the year one thousand seven hundred and thirty-eight, by the Constitution *In Eminenti*, and the other, on the fifteenth day of April in the year one thousand seven hundred and fifty-one, by the Constitution *Providas*, condemned and forbade societies of Free Masons, or those called by other names according to the variety of regions and languages, and of which societies, perhaps the origin or at least the imitation is this society of Carbonari. And although we have already, through two edicts proposed by our Sacred Congregation, severely forbidden this society; nevertheless, following our aforementioned predecessors, we deem it necessary to impose severe penalties on this society, and to do so in a more solemn manner: especially since the Carbonari widely contend that they are not included in the two Constitutions of Clement XII and Benedict XIV, nor are they subject to the sentences and penalties contained therein. Therefore, after hearing a select Congregation of our Venerable Brothers, the Cardinals of the Holy Roman Church, and with their counsel, and also by our own initiative, and from our certain knowledge and mature deliberation, and by the fullness of our apostolic power, we declare and decree that the aforementioned society of Carbonari, or by whatever name it may be called, its gatherings, assemblies, collections, and meetings, are to be condemned and prohibited, as we condemn and prohibit them in perpetuity by this present Constitution. Therefore, to all and each of the faithful of Christ, of whatever state, degree, condition, order, dignity, or eminence, whether lay or clerical, both secular and regular, and even with specific and individual mention and expression worthy of them, we strictly and in virtue of holy obedience command that no one, under any pretext or pretense,

[*Latin ed. p. 581*]

Let [anyone] dare, or presume, to enter, or propagate, the aforementioned Society of Carbonari, or any other similarly named organization; or to harbor, conceal, or receive within their houses or elsewhere, those who are enrolled in, or belong to, any grade of such a society; or to associate with them, or to grant them any power or advantage, so that they may be convened somewhere, or to provide them with anything, or to offer them, openly or secretly, directly or indirectly, through themselves or through others, any counsel, assistance, or favor; nor let [anyone] urge, induce, provoke, or persuade others to join such a society, or to be enrolled in, or to participate in, any grade thereof, or to aid or support it in any way; but rather, let all absolutely abstain from such a society and its gatherings, assemblies, congregations, or meetings, under pain of excommunication, which all those who, as aforesaid, commit these acts incur by such acts alone, without any declaration thereof, from which penalty no one, except

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by us or the Roman Pontiff for the time being, or unless at the point of death, can obtain the benefit of absolution.

Furthermore, We command that all, under the same penalty of excommunication, which We reserve to Ourselves and to the Roman Pontiffs, Our successors, shall be bound to denounce to the Bishops, or to others to whom it pertains, all those whom they know to have given their name to this society, or who have committed any of the crimes that have been mentioned.

Finally, in order that all danger of error may be more effectively averted, We condemn and prohibit all, as they are called, catechisms and books of the Carbonari, in which the things that are done in their meetings are described; also, their statutes, codes, and all books written for their defense, whether printed or manuscript, and We forbid all the faithful, under the same penalty of major excommunication, reserved in the same manner, to read or retain any of the aforementioned books, and We command that they be delivered to the local Ordinaries, or to others to whom the right to receive them belongs, without exception.

We decree that the full faith be given to these present letters of Ours, even when printed, signed by the hand of a public notary, and sealed with the seal of a person holding an ecclesiastical office, as if they were read from the pulpit.

[*Latin ed. p. 582*]

These original letters should be used, if they were presented or shown. Therefore, no human being may violate this page of our declaration, condemnation, mandate, prohibition, and interdiction, nor dare to contradict it with reckless audacity: but if anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, at the Basilica of Saint Mary Major, in the year one thousand eight hundred and twenty-one of the Incarnation of the Lord, on the Kalends of September, in the twenty-second year of our pontificate. Not long after this constitution was issued by Pope Pius VII, we were raised to the highest dignity of the See of Saint Peter, not through our own merits, and we have continuously devoted all our efforts to discovering the state, the number, and the power of clandestine sects. In these investigations, we easily understood that their insolence had increased, especially due to the growth of these sects, among which the one called "university" is particularly noteworthy, because it has a seat and dwelling in several universities, where young men are initiated into its mysteries (which truly deserve to be called the mysteries of iniquity) by certain teachers who do not teach, but rather corrupt them, and are incited to every wickedness. Moreover, it is evident that, even after the time when the flames of perfidy were first kindled in Europe by clandestine sects through their followers, and after the most glorious victories reported

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by the most powerful princes of Europe, by which it was hoped that they would be suppressed, their nefarious efforts have not yet come to an end. In those very regions where it seems that the former storms have subsided, what is the fear of new disturbances and seditions, which these sects constantly strive to create? What is the impious terror of the daggers, which they secretly designate for the bodies of those whom they have condemned to death? How often, and how grievously, are those who are in power compelled, even unwillingly, to decide or to think, in order to protect public tranquility? Moreover, there exist the most grievous calamities by which the Church is almost everywhere afflicted, and which, without sorrow, nay, without pain,

[*Latin ed. p. 583*]

We cannot sufficiently lament the fact that [the Church] is most impudently attacked: its most holy dogmas and precepts are impugned; its dignity is diminished; and that peace and tranquility, which it ought, by right, to enjoy, is not merely disturbed, but utterly destroyed. And it must be understood that all these evils, and other things which we have omitted, are attributed to these clandestine sects through deceit and calumny. The books which those who have given their names to these sects have written on religion and the state, in which they despise authority, blaspheme, and either declare Christ to be a scandal or a fool, and indeed, not rarely, teach that there is no God, and that the soul of man, together with the body, perishes; the codes and statutes by which they explain their plans and institutions, openly declare all that we have already mentioned, and all that pertains to undermining legitimate authority and utterly destroying the Church, originate from them. And it must be considered as certain and well-established that these sects, although they may differ in name, are nevertheless bound together by the most impure designs. Since this is the case, we consider it our duty to condemn these clandestine sects again, and in such a way that none of them may presume to claim that they are not included in our apostolic judgment, and to use this pretext to lead unwary and less discerning people into error. Therefore, with the advice of our Venerable Brothers, the Cardinals of the Holy Roman Church, and also by our own initiative, and with certain knowledge and mature deliberation, we perpetually forbid all secret societies, whether those that now exist, or those that perhaps will arise in the future, and those which propose to the detriment of the Church and the supreme civil authorities what we have mentioned above, whatever name they may be called, under the same penalties that are contained in the letters of our predecessors, which have already been cited in this our constitution, which we expressly confirm. Therefore, to all and each of the faithful of Christ, of whatever state, rank, condition, order, dignity, or eminence, whether lay or clerical, both secular and regular, we strictly and in virtue of holy obedience command, that no

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one, under any pretext or pretense, shall...

[*Latin ed. p. 584*]

Let those societies, whatever name they may be called by, dare to enter, or to spread, to foster, and to receive and conceal within their houses or elsewhere, those who are assigned to, or aggregated to, or who participate in them, or to grant them power or advantage so that they may be convened somewhere, or to provide them with something, or to offer them, openly or secretly, directly or indirectly, through themselves or through others, any counsel, help, or favor whatsoever; nor let them urge, induce, provoke, or persuade others to join, or to be enrolled in, or to participate in, such societies or any of their grades, or to help or promote them in any way; but they must, above all, abstain entirely from such societies, congregations, assemblies, aggregations, or gatherings, under the penalty of excommunication, which all those who do the contrary, as mentioned above, incur by this very fact, without any declaration thereof, from which no one, except by us or the Roman Pontiff for the time being, or unless in articulo mortis, can obtain the benefit of absolution.

Furthermore, We command all, under the same penalty of excommunication, reserving this to Ourselves and to the Roman Pontiffs who shall succeed Us, that they be bound to denounce to the Bishops, or to others to whom it pertains, all those whom they know to have given a name to these societies, or who have stained themselves with any of the crimes that have just been mentioned.

Moreover, that impious, blatant, and wicked oath, by which those who are enrolled in these sects are bound, which forbids them to reveal anything pertaining to those sects, and which threatens with death all members who reveal such things to superiors, whether ecclesiastical or lay, We utterly condemn, and declare to be utterly null and void.

For what? Is it not an outrage that an oath, which ought to be pronounced in justice, should be a bond by which one obligates oneself to commit an unjust act, and to despise the authority of those who, whether they govern the Church or a legitimate civil society, have the right to know those things by which the safety of those institutions is maintained? Is it not most unjust and most unseemly to call upon God Himself as a witness and guarantor of wickedness? The Fathers of the Council of Lateran III, rightly said, in Canon 5: "For oaths are not to be given, but perjuries, which are contrary to..."

[*Latin ed. p. 585*]

The usefulness of these institutions comes from the most holy Fathers. And it is intolerable audacity, or rather madness, in those men who, not only in their hearts but also openly and in public writings, declare that there is no God, and yet dare to demand oaths from all those whom

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they draw into their sects. These [institutions] were established by us to suppress and condemn all those furious and wicked sects. Now, however, we do not merely request, but urge, your cooperation, venerable Brothers, Catholic Patriarchs, Primates, Archbishops, and Bishops. Attend to yourselves, and to the entire flock in which the Holy Spirit has placed you as bishops to govern the Church of God. Indeed, ravenous wolves will attack you, sparing neither the flock: but do not be afraid, nor make your lives more precious than they are. Know that, for the most part, the constancy of those people entrusted to you in religion and in righteous deeds depends on you: for although we live in evil days, and in a time when many cannot endure sound doctrine, yet the observance of their pastors endures among many faithful, whom they rightly suspect as ministers of Christ and dispensers of His mysteries. Therefore, use this authority for the benefit of your sheep, which you hold in their minds through the immortal grace of God. Let them know through you the deceptions of the sectarians, and how carefully they must avoid them and their customs. Let them be horrified by the perverse doctrine of those who mock the most holy mysteries of our religion and the purest precepts of Christ, and who oppose all legitimate authority. And let us be filled, I implore you, with the strength of the Lord, with judgment, and with virtue, as our predecessor Clement XIII said in his encyclical letter to all the Patriarchs, Primates, Archbishops, and Bishops of the Catholic Church, on September 14, 1758, lest, like mute dogs unable to bark, we allow our flocks to be plundered, and our sheep to be devoured by all the beasts of the field. Let nothing deter us from casting ourselves into all struggles for the glory of God and the salvation of souls. Let us remember Him who endured such opposition from adverse sinners. But if we fear the wicked...

[*Latin ed. p. 586*]

Regarding the vigor of the episcopate, and the sublime and divine power of governing the Church: we can no longer, or we must no longer be able to, endure, if it has come to this, that we should fear the threats or machinations of the wicked. We also commend your endeavors with the utmost zeal, most illustrious sons in Christ, our Catholic princes, whom we love with a singular and entirely paternal love. Therefore, we remind you of the words which Leo the Great used when writing to Emperor Leo: "You must certainly understand that royal power has been conferred upon you not only for the governance of the world, but especially for the protection of the Church, so that, by suppressing the wicked, you may defend what is good, and restore true peace to those who are disturbed." Although the circumstances differ in this matter, it is so that, not only to defend the Catholic Religion, but also to protect your own safety and the safety of the peoples subject to your rule, those sects which you are suppressing must be restrained. For the cause of religion is so closely linked to the well-being of

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society, especially in this time, that in no way can one be separated from the other. For those who follow those sects are no less enemies of religion than they are of your authority; they attack both, and strive to undermine both profoundly. Indeed, if they could, they would not tolerate either religion or any royal power. And such is the cunning of the most astute men, that, while they seem to be striving for the increase of your power, they are in fact especially concerned with its overthrow. They teach many things, as they suggest, to diminish and weaken our authority and the authority of the bishops by those who hold power, and to transfer more rights from those which are properly belonging to this apostolic see and the principal Church, and from those which belong to the bishops who are called to participate in our care. But these things they teach not only from the most vile hatred that inflames them towards religion, but also from this very design, that they may hope that the nations subject to your rule, if they should perceive that the boundaries established by Christ and the Church, which He instituted, are being overturned, will easily be led to...

[*Latin ed. p. 587*]

Even politicians seek to change and destroy the form of government. We also look with particular concern upon all of you, O beloved sons, who profess the Catholic Religion, through our prayers and exhortations. Avoid entirely those men who place light in darkness, and darkness in light. For what true benefit can arise for you from association with those who consider no account due to God, nor to any higher powers, who seek to bring war upon them through deceit and secret meetings, and who, although they proclaim themselves to be the most devoted lovers of the public Church and of society in every forum and everywhere, have nevertheless, through all their actions, already declared that they desire to disrupt everything and to overthrow everything. These are indeed like those to whom John in his second epistle, chapter X, commands that neither hospitality nor the greeting "Hail" should be given, and whom our forefathers did not hesitate to call the firstborn of the devil. Therefore, beware of their flattery and honeyed words, with which they will persuade you to join those sects to which they themselves belong. Be certain that no one can participate in these sects without incurring the most grievous reproach; and reject the words of those who vehemently assert that nothing is admitted in these sects that is contrary to reason, nothing contrary to religion, indeed nothing is preached or done that is not holy, not righteous, and not undefiled. For that infamous oath, which has already been mentioned, and which must also be sworn in that lower rank of association, is sufficient in itself to make you understand that it is an abomination even to be associated with and to act within those lower ranks. Furthermore, although the more serious and heinous things are not usually entrusted to those who have not attained higher ranks, it is

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clearly evident that the power and audacity of these pernicious societies grow from the agreement and multitude of all those who have given them their name. Therefore, even those who have not gone beyond those lower ranks should be considered participants in those crimes. And upon them falls that which the Apostle says to the Romans, chapter 1: "Who, having known the justice of God, did not understand that they who do such things, are worthy of death: and not only they that do them, but they also that consent to them that do them." Finally, those who, having already been enlightened, and gu-

[*Latin ed. p. 588*]

If they had received that heavenly gift, and had become partakers of the Holy Spirit, they have nevertheless fallen into the greatest misery, and those who follow those sects, whether in the lower or higher ranks thereof, we earnestly call to repentance. For they act in the place of Him who declared that He had not come to call the righteous, but sinners, and who likened Himself to a shepherd who, having left the flock, diligently seeks the sheep that was lost; we exhort and implore them to return to Christ. For although they may have been most grievously defiled by sin, they should not despair of the mercy and clemency of God and of Jesus Christ, His Son. Let them, therefore, at last, receive themselves, and let them again flee to Jesus Christ, who has also suffered for them, who will not only not despise them, but, like a most loving Father who has long awaited his prodigal sons, will most gladly receive them. We, for our part, in order that, as far as we can, we may stir them up and make the way to repentance easier for them, decree and establish that, for the entire space of a year, after the publication of these our apostolic letters in the region in which they dwell, the obligation of denouncing their associates in those sects shall be suspended, and also the reservation of censures into which they have fallen by having given their names to those sects; and we declare that those, even those who have not denounced their accomplices, can be absolved from those censures by any confessor, provided that he is of the number approved by the local Ordinaries. This same facility we grant to those who may happen to reside in the City. But if anyone of those to whom we are now speaking should be so stubborn (may the merciful Father avert this), as to allow that time which we have designated to pass without abandoning those sects and truly repenting; then, upon the expiration of that time, the obligation of denouncing accomplices and the reservation of censures will continue, and they will not be able to obtain absolution thereafter, unless they have previously denounced their accomplices, or at least have made an oath to denounce them as soon as possible; nor will they be able to be absolved from those censures by anyone except by us, or by our successors, or by those who shall have obtained from the Apostolic See the faculty to absolve them. We decree that copies of these our letters, transcribed, signed

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by the hand of a public notary, and sealed with the seal of a person in ecclesiastical dignity, be—

[*Latin ed. p. 589*]

Let fortified statutes be established, and let the very same faith be applied to them as would be applied to the original documents themselves, if they were presented or shown. Therefore, no human being may violate this page of our declaration, condemnation, confirmation, innovation, mandate, prohibition, invocation, requisition, decree, and will, nor dare to contradict it with reckless audacity: but if anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, at Saint Peter's, in the year one thousand eight hundred and twenty-five, on the third day before the Ides of March, in the third year of our pontificate.

[*Latin ed. p. 590*]

APPENDIX CONCERNING PRIVILEGES. CHAPTER I. Concerning privileges in general. The difference between a privilege, a dispensation, and a license.

1. When a privilege derogates from common law.

2. When one who possesses a privilege is obligated to use it.

3. Whether outside of the sacrament of penance, etc.

4. Concerning clauses, such as "for example," etc. That which is contrary to sacred canons is not permitted, etc. Supplementing defects, etc.

5. Concerning the interpretation of privileges.

6. 7. and 8. Concerning communication [regarding privileges].

9. 10. and 11. Concerning privileges of Regular Canons which have been revoked, along with the Declarations of St. Pius.

12. Concerning rescripts of grace and justice, whether they expire with the death of the Pontiff.

13. In how many ways does a privilege cease?

14. How does it cease through revocation?

15. Concerning express revocation.

16. Concerning tacit revocation, and whether such revocation must be announced, or at least made public.

17. A PRIVILEGE is defined as: A private law, granting some special benefit. A privilege differs from a dispensation, which exempts from the law, and therefore is always odious; it also differs from a license, which is granted only for certain acts. Concerning privileges in particular, we shall say more in their proper place below; here we shall only note certain rules

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to be observed concerning privileges in general.

[*Latin ed. p. 591*]

2. — And I. In order for a privilege to override common law, a derogatory clause is not required, for it is presumed that the prince already knows the common laws; however, an exception is made in the following cases: 1. When the privilege could not achieve its effect without this express derogation. 2. If in the law to which the privilege applies, there is a clause stating: "Notwithstanding any privilege," it is understood, provided that the privilege does not contain the clause: "From certain knowledge," or "From the fullness of power." Salm. tract. 18, chap. 1, p. 4, nos. 42 and 43, with others. 3. When the privilege is contrary to some custom or municipal law? For in such cases, no derogation is made unless specific mention is made of them. Suar. de leg. book 8, chap. 14, no. 4. Castrop. vol. 1, treatise 5, part 4, p. 10, no. 9, and Salm. book cited, p. 1, no. 8, with Pelliz. Tambur. etc.

3. — II. The one who possesses a privilege is not, in the regular sense of the word, obligated to use it. Reg. 61. Jur. in 6. But an exception is made in the following cases: 1. If by not using it, he would cause serious harm to another: however, understand this to mean if it occurs by itself, and not as a consequence. For example, if a confessor has the privilege of absolving from reserved sins, after hearing the confession, he is obligated to use it. See Salm. ibid., p. 2, no. 11, with others. 2. If the privilege yields to the common good, as is the case with the privilege of immunity, in which case everyone is obligated to use it, as stated in chap. If diligently, within the competent jurisdiction. 3. If the privilege removes an impediment to observing a precept: For example, if a sick person has a private oratory in his home, and can easily hear the Holy Sacrifice, he is obligated to use the privilege. Suar. chap. 53, no. 8. Pal. p. 7, no. 3. Sanch. de matr. book 6, part 6, no. 14. Salm. ibid., no. 12, with Sylvest. Avila, etc. 4. If the privilege is not personal, but real, attached to a place, or to a dignity, or to a status, such as the privileges granted to Bishops and Regular Canons. See Salm. book cited, p. 3, nos. 17 and 18.

4. — III. He who has a privilege for the forum of penance, etc., to absolve from censures and ecclesiastical penalties, can very probably use it even outside of the sacrament, even if the faculty was conceived in the terms: "To the confessor." Suar. book 8, chap. 6, no. 13. Castrop. part 4, p. 2, § 3, no. 6, and Salm. treatise 18, chap. 1, p. 3, no. 35, with Silvest. Tamb. etc., against others who probably also deny this.

5. — IV. Speaking of clauses: the clause "Ad instar" means that the privilege is valid when another (according to the form granted) was valid, at

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least from the beginning, Vol. X.

[*Latin ed. p. 592*]

Although it was subsequently revoked, or not accepted, as noted by Father Mazzotta. Otherwise, if the first privilege is null, the second will also be null, provided that what is granted is not expressed in the second. Suar. c. 15, n. 2. Castrop. d. 3, p. 2, § 8, n. 1. Salm. l. c., p. 4, n. 59, with Bonac. etc., and Father Mazzotta, vol. 1, on privileges, p. 221. See Sexto. However, this applies (as the aforementioned authors state) when it is said: "in the manner of"; it does not apply if it is said, "as has been granted," etc., as Bonac. and Garcias state apud Salmanticenses. The clause: "provided that it does not contradict the sacred canons," is understood to refer only to those canons in which it is expressly stated: "notwithstanding any privilege." Salm. ibid., n. 50, with Nav. Suar. Garc. etc. The clause: "supplementing any deficiencies," is understood only with regard to those deficiencies of those things that are required only by positive law, and which are only accidental; but not with regard to natural or substantial deficiencies, such as if the petitioner were excommunicated, or if the petition were surreptitious or fraudulent; or if the deficiency were concerning the cause or the person of the petitioner. Salm. ibid., n. 51, with Barbosa and Tambur. Other clauses can be seen in Salm. l. c., n. 51 to 56.

6. – When speaking of the interpretation of privileges, several things must be noted. Note 1: every privilege must be interpreted in such a way that it is neither useless nor burdensome to the one granted the privilege. Salm. ibid., p. 6, n. 70 and 71. 2. Only the prince, or others to whom the prince has delegated authority, can authentically or legally interpret privileges. However, doctrinally, any learned man can interpret them, to whose resolution it is permissible to acquiesce, as all affirm; and when a privilege prohibits any interpretation, it is to be understood only of the authentic and legal interpretation; see Salm. tr. 18, c. 1, p. 6, n. 72 and 75, or it must be understood to be the interpretation that is made expressly, as is said in the Laws, l. 1, n. 200. 3. By Clement IV, and by other Popes, it is forbidden for Bishops to legally interpret the privileges of Religious Orders. Only by Alexander VI and Paul III (when the Apostolic See cannot be consulted) was it granted to experts and other judges in favor of Religious Orders. The same was granted to general visitors, and also to provincials and immediate prelates, whenever they consult experts. The same applies.

[*Latin ed. p. 593*]

He possesses expertise in the interpretation of regulations, constitutions, and customs. In the same manner, these prelates can restrict or limit the use of privileges by their subordinates. See Salm., ibid., nos. 74, 75, and 76.

4. It should be noted that, generally speaking, concerning privileges, every privilege should be interpreted broadly, as we have from chapter Olim.,

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6, on the subject of significant words, where it is stated: "Benefits granted by princes should be interpreted most broadly, etc." And from the last book of the decrees on princely constitutions. Conversely, odious privileges are to be interpreted strictly, such as those that derogate from common law or from particular statutes and customs, provided that these statutes do not contradict common law; or provided that the privilege is not incorporated into the body of the law; therefore, Sanch. and Mazzotta state, Sanch., de matr., book 8, title 1, no. 8, and Mazzotta, book cited, page 225, chapter 2, section 2, that all real privileges are to be interpreted broadly; for, because of their perpetuity, they are considered as if incorporated into common law. Furthermore, it is excepted if a privilege were otherwise rendered useless, or if it contained a clause, either by certain knowledge or by one's own initiative; or if the privilege was for absolving, dispensing, or communicating it to others. Salm., book cited, nos. 78 to 80. Privileges, however, that are prejudicial to others, such as those for obtaining more benefices, or for conferring vacant benefices, or contrary to regular observance, are to be interpreted strictly, even if they were granted by one's own initiative. Salm., ibid., nos. 85 and 84.

8. This, however, is to be understood concerning privileges granted to particular individuals; for those that are granted to a certain order, community, or congregation, or for a pious cause, all are to be interpreted not only broadly, but also most broadly, even if they are contrary to common law or to a third party, as is commonly affirmed by DD. Suar., chapter 27, no. 7; Castrop., book 4, page 10, no. 6; Mazzotta, book cited; and Salm., book 18, chapter 1, page 5, no. 27 and 28, and again, page 6, no. 85 and 86, with Azor, Laym., Sylv., Bon., Henr., Coninch., Lezana, Bord., and others. For privileges granted to communities are presumed to be compensatory for the services rendered, and therefore, all are considered as favorable, from the decree "Sicut persona," on religious orders. See Salm., book cited, page 3, nos. 23 to 27.

9. VI. Speaking of the communication of privileges, note:

[*Latin ed. p. 594*]

1. It is the case that the Mendicant Orders communicate amongst themselves concerning all privileges, both past and future, whether pertaining to persons, or to places, or to festivals, or to indulgences, as is evident from the Bulls of Sixtus IV, Clement VIII, and Leo X. See Salm, ibid., page 7, § 1, numbers 88 and 89. And this holds true, even if the Order to which the privilege was granted has not accepted it, or has not made use of it. Furthermore, when a privilege granted to one Order is extended, it is understood to be extended also with regard to other Orders. Salm, ibid., numbers 98 and 99. Moreover, these Mendicant Orders communicate privileges to other religious orders, or congregations, or monastic or non-monastic colleges. Thus, it is commonly stated (Salm, loc. cit., number 90, with Rodriguez

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Pelliz). And this holds true, even if in the privilege granted to another Order or congregation, there is a clause stating that it is not to be communicated; for in other Bulls concerning communication, it is stated that whatever impediment to communication there may be, it is to be removed. Salm, ibid., § 2, number 107, with Rodriguez Bassæo, Mirande, Bon, Diana, Donato, etc. Those who have entered the religious life, for they are truly religious; see Salm, treatise 15, chapter on the status of religious orders, chapter 1, page 3, number 55, as well as novices, as declared by Clement VIII, and this is the common opinion (whatever some few may say), with Suarez, Sanchez, Castrop, etc. Suarez, on Religious Orders, treatise 10, book 9, chapter 1, number 48, and Salm, ibid., chapter 3, page 6, number 85, with Sanchez, Castrop, Lezana, and Pelliz, and others: also enjoy the privileges of religious who have been promoted to the episcopate, provided that it is not a matter in which, if the bishops were to make use of it, some prejudice would result to the religious order, such as dwelling in a monastery, granting suffrage, etc. See Salm, dictionary, treatise 15, chapter 5, page 2, number 43, with Suarez, Lezana, and Castrop. Furthermore, tertiaries, both men and women (or Beatæ) who are subject to the Mendicant Orders, and who wear the habit of the religious order, and who have a vow of chastity (with certain exceptions), also enjoy these privileges, but to the extent that they are capable of doing so. The Confratres Scapularis, and the Cinguli (called Cordonis), enjoy only this, and participate in all indulgences and remissions of sins, but not in others. Salm, treatise 18, chapter 1, page 7, § 1, number 94, with others.

2. It should be noted that nuns, both of Mendicant and non-Mendicant orders, enjoy the privileges of the nuns of their own order, and consequently, of any other order, in all things in which they are capable of doing so (understand this to mean in favorable matters).

[*Latin ed. p. 595*]

This holds true even if the privilege only speaks of men, as is deduced from the bull of Leo X. And conversely, the Brothers enjoy the privileges of monastic orders, because they themselves partake (as stated above) of the privileges granted to any religious order, congregation, or monastery. See Salm. ibid. n. 91. But returning to the nuns, these privileges are also enjoyed by those who are subject to the Pope, or to a Bishop, and thus, when a privilege is granted to religious to be absolved, or to receive a dispensation from their prelate, nuns subject to a Bishop can indeed be absolved by the same, and obtain a dispensation. And this applies even if in the privilege only nuns who are subject to the Rules are mentioned. Suar. de Leg. l. 8. c. 10. n. 7. Bon. dist. 1. q. 3. p. 7. §. 2. n. 2. and Salm. ibid. n. 92. with Castr. Lez. Pelliz. Bordonio, Boss. and others against a few. 11. — Note 3. Privileges are not communicated when they are odious, or contrary to the proper statutes, so that they prejudice the good or common observance of the

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religious order. Castr. dist. 4. §. 9. n. 2. and Salm. l. c. §. 2. n. 100., with Pelliz. Lez. Portell. Tamb. Bord. Note 4. Privileges granted to someone not as a particular person, but by reason of their office, or dignity, or as a member of that community, are to be understood as granted to all others of the same office, or of the same community. And privileges granted to subordinates, or to lower prelates, are also understood to be granted to higher prelates. Salm. tr. 48. c. 1. p. 7. §. 3. n. 110 and 111. Similarly, privileges granted to a certain community, or to a Church, or to particular members of that community, but as members of that, are also understood to be granted to other religious, both of that order, and of others, who have communion with it, provided that the same, or a similar reason applies. Salm. ibid. with Pelliz. Garcia, Quint. Tamb. etc. But this is not to be understood of privileges that are granted to a certain congregation for a determined time, or that are granted to a monastery by special briefs for a particular reason, or when it is a matter of things that are usually difficult to grant. Salm. ibid. n. 118. with Peyrin. Tamb. Merola, etc. 12. — VII. It is certain, as is stated in proposition 56, condemned by Alexander VII, that religious are no longer able to make use of privileges that have already been revoked by the Council of Trent.

[*Latin ed. p. 596*]

Notwithstanding this, certain declarations made by the Council must be considered, as found in the bull of St. Pius V: "And concerning the mendicants." These are: 1. That secular clergy may hear confessions and preach in the churches of Regular clergy. 2. That a Bishop cannot grant permission to enter the monasteries of exempt nuns. 3. That the fourth of funerals is understood only of that which is carried [i.e., the coffin]. See Salm., loc. cit., p. 8, § 2, n. 137. 4. That the confessors of exempt nuns, and the preachers of the Regular clergy in their own churches, are not examined by the Ordinary; but with regard to confessors, this privilege has been abrogated by various Apostolic Constitutions, and especially by the Apostolic Constitution "Apostolici ministerii," issued under Innocent XIII in the year 1723, and confirmed by Benedict XIII on September 23, 1724. There, § 18, it is declared that the confessors of exempt nuns must be examined and approved by the Bishop of the diocese, notwithstanding any contrary custom, even if ancient. 13. — VIII. A distinction must be made between a rescript of grace, such as granting absolution or dispensation, and a rescript of justice, such as exercising jurisdiction or appealing. In a rescript of grace, it is said, "Grace is given, when the delegate is considered as a mere necessary executor; Grace is to be given, when the power to dispense is granted, and the matter is left to the delegate's discretion." A rescript of justice expires with the death of the prince, provided the matter is still pending; and the same applies to a rescript of grace to be given. The opposite is true of a rescript of grace, such as granting absolution, receiving

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orders outside the proper time, concerning a private oratory, etc. Castrop., d. 3, p. 16, § 4, n. 11. Sanch. de matr., l. 8, d. 58, n. 43. Salm., tr. 18, c. 1, p. 9, d. n. 141 to 146, with Suar. A privilege granted with the clause "Until I shall desire it" probably does not expire after the death of the grantor. Salm., ibid., n. 149, in fin. If the office of the delegate is expressed in the grant, then upon the death of the delegate, it also passes to the successor. Salm., ibid., n. 150. 14. — IX. A privilege can cease in many ways, and 1. by the expiration of the established term. 2. By the cessation of the final cause: understand that when a privilege is granted under the condition of that final cause; but when it was granted absolutely, there is a very probable opinion that even the final cause would cause it to cease.

[*Latin ed. p. 597*]

The privilege, however, does not cease; nor does it cease, even if we have once made use of it. Salm. ibid. c. 2. p. 1. n. 3. and 4. According to what we have said about dispensation.

3. By renunciation; it should be noted that private individuals cannot renounce the privileges of a community; and for the renunciation to be valid, it must be made in the presence of the one who granted the privilege, and be accepted by the same person. See Salm. ibid. n. 3. ad 8.

4. By contrary use, or by non-use: however, in cases of doubt, the presumption is always in favor of use. But it should be noted that gracious privileges, which do not burden others, such as those of absolution, dispensation, or fasting, and similar things, are never lost by non-use, and not even by contrary use, even after a very long time. Suar. de Leg. l. 8. c. 34. n. 17., Bonac. d. 1. q. 3. p. 8. §. 5. n. 4. Castrop. tr. 3. d. 4. p. 18. n. 3. and p. 19. n. 1. and Salm. tr. 18. p. 2. §. 2. n. 13. with Laym. Pont. Lez. Garcia, etc.

On the contrary, privileges which are burdensome to a third party, such as the exemption from paying tithes and the like, are extinguished by contrary use, and also by privative non-use (and not merely negative non-use), which occurs when the one who has the privilege, being aware of it, refuses to use it when the opportunity arises. This, however, applies only insofar as there is no clause in the privilege requiring its use at one's own discretion. Castrop. p. 18. n. 4. Bonac. n. 3. and Salm. ibid. n. 14. and 15. with Laym. Garc. Lez. etc.

Furthermore, this applies in the external forum; for in conscience, he does not lose the privilege who does not have the intention of renouncing it. See Salm. ibid. §. 3. n. 18.

The privilege can also cease due to abuse, either in its entirety or in part. Salm. ibid. n. 17.

5. The privilege ceases because of the revocation by the prince. In this, however, it is necessary to distinguish between gratuitous privileges and remunerative privileges, and those that are burdensome; if the privilege

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is purely gratuitous, it can be validly revoked even without a just cause: although this is at least not excused from venial sin, if there is no scandal. Pont. l. 8. c. 19. n. 15. Castr. p. 21. §. 3. n. 3. and Salm. ibid. p. 3. n. 37. with Suar. Sanch. Bon. etc.

If, however, with the privilege, ownership of something has been transferred to the one who has the privilege, it cannot be revoked, neither licitly nor validly, except for a most urgent reason of the common good, or for a grave offense, or for those reasons for which any donation can be revoked. Castrop. p. 21. §. 2. n. 2. Bonac. p. 8. §. 2. n. 5. Suar. l. 8. c. 37. n. 7.

[*Latin ed. p. 598*]

and Salm. ibid. n. 29. with Ponthieu, Garz, Lez., etc. But if the privilege is remuneratory, or granted for justice, or out of gratitude, a just cause is always required for it to be validly revoked. And if, moreover, it is burdensome, as in the case of a concession granted for a price received, or because of some burden imposed on the beneficiary, then, in order to revoke it (beyond a just cause), a special clause is required. And this must be said of remuneratory privileges granted for justice, as the Doctors Suar., l. c. n. 6 and 7, Ponthieu, no. 15, and Salm., tract. 18, c. 2, p. 3, n. 50 and 35, and others, commonly state. 16.— The revocation of privileges, however, is either express or tacit; regarding the express revocation, speaking regularly, a general clause suffices, notwithstanding privileges, etc., so that all privileges are revoked in the contrary sense. However, the following are excepted: 1. Privileges granted in the manner of a contract, whether burdensome or remuneratory for justice (as stated above), in which specific mention is made of the merits in particular. 2. Privileges which have a clause stating that they are not to be understood as derogated, unless specific mention is made. 3. Privileges of religious orders, which also require special mention, because they are remuneratory, and seem to have a clause of derogation for future revocation, unless specific mention is made of them, as Rodriq., Portel., and Miranda state apud P. Mazz. 4. Privileges inserted into the body of the law, because then they are true laws, and in order to revoke them, a special clause is required, notwithstanding laws to the contrary, etc. Suar., l. 8, c. 58, n. 2; Bonac., t. 2, d. 5, p. 8, §. 4, n. 11; Castrop., tr. 3, d. 4, p. 21, §. 5, n. 2; Ponthieu, l. 8, c. 19, n. 16; Mazz., t. 1, de priv., q. 2, c. 1, p. 251; and Salm., l. c., p. 4, n. 59 and 40. The same is asserted by Bonac., Sanch., Castrop., and Salm., with Mol., Pell., and many others (against Ponthieu), regarding privileges granted by a General Council, which are not considered revoked unless by an express clause, notwithstanding any constitution, even one issued by a General Council; as can be gathered from cap. Ex parte, and cap. ult. de capell. mon. Bonac., n. 15; Castrop., §. 4, n. 6; Sanch., de matr., l. 5, d. 26, num. 7; and Salm., ibid., n. 41, with Pelliz., Boss., etc., against Ponthieu, n. 19. Ponthieu objects the practice of the Church, and a certain declaration of St. Pius V. But Castrop., with Garcia, responds

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that this is gratuitously asserted; Garcia says that it only refers to a certain particular opinion of St. Pius V., in which it is said that concessions...

[*Latin ed. p. 599*]

Documents signed by the hand of the Pontiff do not require any revocation from Trent, neither general nor special. However, all the aforementioned limitations are understood to apply unless it is established that the party revoking did not intend to do so, as all the aforementioned Doctors commonly affirm. Therefore, if a clause of revocation is present in the law, whether by explicit declaration, or by its own force, or by the plenitude of power, then every privilege is revoked, whatever its qualification, except for those that are burdensome; or when the revocation would prejudice a right acquired by a third party. See Salm. tr. 18, c. 2, p. 4, n. 40 and 42. 17.

Regarding tacit revocation, privileges previously granted are understood to be revoked by any general law to the contrary, even if there is no revocation clause in it, when that law, or a new privilege granted to others, could not achieve its intended effect unless the previously granted privileges were revoked; for it is not presumed that the legislator intends to enact a useless law, or to grant a privilege that is illusory, whether it be general or particular. However, it must be understood that this applies when the previously granted privileges are known to the legislator, as is presumed in the case of all privileges included in the body of the law. On the contrary, it is not presumed in the case of privileges that exist outside the law; therefore, specific mention must be made of these. Suar. lib. 8, c. 30, n. 2. Pont. l. 8, c. 19, n. 19. Castr. d. 4, p. 21, §. 4, n. 10. Bon. d. 3, p. 8, §. 4, n. 14. Salm. ibid., n. 45 and 44, along with others.

Some, such as Soto, Henry, and Quintilla, to whom Salm. de leg. c. 1, p. 6, n. 80 adheres, affirm that a privilege remains in force as long as the revocation is not notified to the civil authority or to the religious order. However, Salm. himself later retracts this in tr. 18, de Priv. c. 2, p. 3, n. 45, and rightly so, asserting with Laym., Suar., Portell., and Lezana, that it is sufficient to invalidate a privilege if the revocation is published; and if two months have passed since the publication, so that the knowledge of the revocation can reach those who hold the privilege, even if, in fact, it does not reach them.

Thus far, we have discussed privileges in general; in the following chapters, we will discuss privileges in particular, those of ecclesiastical bodies, Bishops, and religious.

[*Latin ed. p. 600*]

CHAPTER II. Concerning the privileges of clerics. In what matters are clerics exempt from secular authority. 18. Concerning the privileges of canon law and the forum, with regard to persons. 19. With regard to goods. 20. Who enjoys these privileges. 21. Concerning benefices. 22. Concerning

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those who have received the tonsure. 23. Concerning those who have laid down the habit. 24. Concerning the immunity of pious places. 25 to 28. 18. Clerics are, by divine law, exempt from secular authority with regard to spiritual matters, or matters purely ecclesiastical, such as ordinations, the election of prelates, etc., as is clear from canon 3 of the Council of Rome. As for persons and ecclesiastical places, the question is whether they are, by divine law, exempt or not? Many deny this, such as Lessius, Cajetan, Becanus, and Salm, Tractate 8, chapter 7, question 1, number 6. Many others affirm this, such as Suarez, Azor, and Laym, and they prove it from several texts, and especially from chapter 6 of the book "De Gentibus" and from the 25th session of the Council of Trent, chapter 20, concerning the reform of the Church, and the immunity of ecclesiastical persons, which is established by divine ordinance and by canonical sanctions. However, it is certain that clerics are not subject to the secular forum, either by canon law or by civil law. See "Jura Apud Lessii de Justitia," book 2, chapter 33, question 3. Furthermore, they are bound in conscience by those civil laws which do not contradict their status, not by coercive force, as is said, but by directive force, so that they may be conformed to the community. This is in common with Salm, ibid., section 1, number 16. 19. Therefore, clerics enjoy 1. an exemption concerning their persons. Besides the privilege of canon law, by virtue of which those who unjustly strike them incur excommunication, clerics enjoy immunity, so that they are not punished by the secular court, as is clear from the laws related by Becanus, De Sacr., chapter 26, question 9. And although civil law exempts them only in civil cases, and reserves the right to recognize them in criminal cases, clerics are by no means to be condemned except after degradation; nevertheless, canon law completely exempts them. See Salm, Tractate 8, chapter 7, page 2, number 24. But despite this, in some cases, secular authority may proceed to the imprisonment of clerics; for example, if...

[*Latin ed. p. 601*]

Should anyone be found at night carrying prohibited weapons, or without clerical garb, or should he be found committing some flagrant crime, then he may proceed to his imprisonment, so that afterward he may remit him to the ecclesiastical court; but if he finds him during the day, he may strip him of the prohibited weapons. He may also, in certain cases, punish him (but not with the penalty of death), if he should be attempting a rebellion against the prince, or if he should incite the people to sedition, and had not been punished for this by his own Bishop. Furthermore, he may probably inflict punishment on clerics who are notoriously sodomites; for these are stripped of all clerical privileges by Leo X and by St. Pius V. See Salm. l. c. dub. 1. §. 1. n. 18 to 20, and p. 2. n. 27 to 29. Otherwise, for any other crime, clerics cannot be punished by the secular court, chapter end, concerning the life and honor of clerics, and chapter 25, concerning

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sentences of excommunication, 20-II. Ecclesiastics enjoy exemption from the lay court with regard to their own property, whether ecclesiastical or acquired in any other way; with respect to them, they are not held to pay any tax, as is stated in c. Quia, and c. Clerici, concerning ecclesiastical immunities, in 6, and from l. Sancimus 22, chapter concerning Sacred Ecclesiastical matters. See Salm. ibid. p. 3. n. 35 and 56. Clerics, however, who are merchants concerning ecclesiastical goods already destined for trade, are deprived of all exemption, c. Quamquam 4, concerning taxes, in 6. As for their other property, they are deprived of it after the third warning. Salm. ibid. n. 34, with Less. Mol. etc. Furthermore, it should be noted here that, in a case of urgent necessity, the prince may extract grain from the houses of ecclesiastics and sell it. Salm. ibid. dub. 1. §. 1. n. 17, with Diana, and Molf. 21-I. Those who enjoy special exemptions, both with regard to persons and with regard to property, are first of all all Regular clergy with their novices, and the Third Orders, and also the Franciscan Third Order, the Carmelite Order, etc., who wear the habit together with the vow of chastity: as declared by the Holy See. Furthermore, the Knights of St. John, St. James, Alcantar, and Calatrava, as proven by Bon. Fill. and Diana. See Salm. tr. 18, c. 7, p. 5, n. 57. Furthermore, all clerics who are established in the sacred duties. As for others, those who are in minor orders, or simply tonsured, the Council of Trent says in session 23, c. 6, concerning reforms: "They do not enjoy the privilege of the court, unless they hold an ecclesiastical benefice, or are wearing the clerical habit, and are tonsured by order of the Bishop."

[*Latin ed. p. 602*]

In Usküb, or in a seminary for clerics, or in some school, or university, with the permission of the Bishop, as if preparing for the higher orders. And this privilege is also enjoyed by married clerics who wear the habit and tonsure, and serve the Church: but in the last chapter of the book concerning the Order, section 6, it is forbidden to give tonsure to married men, unless they wish to enter religion, or have been previously ordained with the consent of their wives. See book 6, number 827, at the end, section 22.

Therefore, the privilege of the "sore" (i.e., the minor order) is enjoyed by 1. Beneficiaries, even if they do not serve the Church, nor wear the habit and tonsure, as is probably inferred from the Council, as stated by Salm. with Fill., Diana, and Rodrig. against Suar., and even if they do not receive the fruits of the benefice, nor possess it; for it is sufficient that they hold the title, as say Garcias, and Filliucius, and Diana against Salm. It is also sufficient to have a chaplaincy, or a prebend, which are considered as true benefices: but a pension is not sufficient. See Salm., ibid., number 62 and 63, with others.

2. Clerics in minor orders, and those who have received the tonsure,

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provided that they wear both the habit and the tonsure, according to what the Council states, that those wearing the clerical habit and tonsure, and as many learned doctors believe, with Castrop. and Barbosa, against Salm., who interpret the word "et" and "pro" as "vel," so that they say that either is sufficient, see book 6, number 827. Provided, however, that they also serve the Church; but with regard to service to the Church (provided it is spiritual, because temporal service is not sufficient), it is enough that they serve some churches, even if these are not designated by the Bishop, as declared by the Sacred Congregation apud Card. Lambertini, in the Decrees of the Synod, book 12, chapter 6, number 5.

But in order for clerics in minor orders to be deprived of their office (for something else must be said concerning the privilege of canon law), the threefold warning is not required, because this is required only for benefices, and for those who are ordained in the sacred orders, as is deduced from chapter "Contingit," concerning the sentence of excommunication, or for minor canons who engage in secular affairs, as is stated in chapter "Ex litteris," concerning the life and honor of clerics. See book 6, number 827. But it is sufficient that they have relinquished the habit and tonsure, as has been declared repeatedly by the Sacred Congregation, and as learned doctors commonly affirm apud Card. Lambertini, in the Decrees of the Synod, book 12, chapter 2, number 1, apud Salm., treatise 8, chapter 7, page 4, number 63. Provided, however, that they have relinquished them for a long time, as noted by Salm. with Bonac., Suar., Barb., and others.

[*Latin ed. p. 603*]

Although secular officials may not be able to claim jurisdiction, the Bishop can nevertheless restore these clerics to the secular jurisdiction, according to a declaration of the Holy See approved by the present Supreme Pontiff. See Lamb. loc. cit. n. 5. Those clerics who resume the habit are justly entitled to the privilege, provided they do not do so fraudulently; and fraud is presumed when someone has already been summoned to the secular court in a civil cause, or has already been imprisoned for a criminal cause, or has been released from prison under caution; or, as Salmantius and Bonaventure state (against Guttierez and Ceballos), and as Cardinal Lambertini states with many decrees of the Holy See, Salm. loc. cit. n. 67 and C. Lamb. De Synod. l. 5. c. 12. n. 1. A great question is whether secular authority can hear cases involving innocent parties against clerics. Some theologians absolutely affirm this; but others more commonly admit it only when recourse to higher ecclesiastical authorities is impossible or difficult. See Salmant. l. c. dub. 2. n. 76, 25. – Furthermore, ecclesiastical immunity concerning the sanctuary of those who have committed offenses applies by both ecclesiastical and civil law to all churches, even those subject to interdict, or those that are polluted, even desecrated (unless they have been profaned by the authority of

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the Primate), as well as their chapels, sacristies, cemeteries, even those separated from the church, walls, bell towers, roofs, atriums, the steps of the atriums, with forty paces beyond for cathedrals, and thirty for other churches (but this is to be understood for those located outside the walls of the city or town), provided that there is no public road or any secular dwelling; otherwise, if the dwelling belongs to a cleric. See Salm. tr. 18. c. 3. p. 5. §. 1. n. 86. Hospitals in which there is a public chapel, oratories erected by Bishops, the Bishop's palace, and the houses of religious orders with their dormitories, cloisters, gardens, and porticoes in front of churches or monasteries, also enjoy the same immunity. See Salmant. ibid. n. 87 and 88, 26. – All those who have committed offenses, provided they are Christians, even heretics, or are under interdict, or are imprisoned, who, having broken out of prison, have fled to the aforementioned sacred places, enjoy this immunity. And any custom to the contrary is condemned. c. Noverint, de sent. excomm. et Authent. de Sacros. Eccles. Salm. ib. §. 2. n. 89. However, in the bulla...

[*Latin ed. p. 604*]

Gregory XIV. condemns public robbers, despoilers of fields, those who commit homicide through betrayal or assassination (but Benedict XIV. excepted all homicides for the entire Church), whether within the Church itself or in the cemetery, as well as heretics and rebels against the same prince. See Salm. ibid. §. 3, no. 96 and following, with Suar., Castrop., Pelliz., Guttier., etc. And in cases clearly excepted, the secular judge can, of his own accord, withdraw those who have committed offenses from the Church, according to common practice. However, in cases of doubt, the judgment regarding the exception pertains to the Bishop; thus, Salm. and others. See Salm. ibid. no. 95. Besides those who are excepted from punishment, all others enjoy immunity, just as debtors who flee to the Church do. Salm. loc. cit. no. 95, 27. The question is whether clerics and religious enjoy the same immunity with respect to their superiors. Many affirm this, such as Barb., Bordon., Guttierrez, and they are supported by a certain declaration of the Sacred Congregation; and this opinion is considered most probable, as Salm. states. Nevertheless, others, following the common opinion of Suarez, Castrop., Laym., Bon., Sylv., and others, deny that this immunity has the same force as the bull of Gregory XIV, which, with respect to this immunity, speaks only of laypersons who flee to the Church, etc., as it has the force of common law and already accepted custom; otherwise, religious who always reside in the monastery would find it difficult to be punished. Just as ecclesiastical superiors (Bishops and their vicars) can withdraw their own subjects from the Church, so too, if necessary, they can grant permission to the secular court to do the same. Salm. tract. 18, c. 5, p. 3, §. 2, no. 92 and 95. However, a Bishop cannot withdraw his own clerics from the churches of regular canons, not because of immunity, but because

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those are places exempt from his jurisdiction. 28. Those who withdraw, or who attempt to do so, incur excommunication by the very act, from which they cannot be absolved except by the Pope. Some Doctors of Law are of the opinion that they can be absolved from this kind of excommunication even by the Bishop; thus, Salmant. ibid. §. 5, no. 116 and 117, with Bon. and Castrop. and others. However, this must be denied, as Fagnano states in chapter "Concerning the sentence of excommunication," with Farinac. and others; for Gregory XIV declared that those who violate immunity incur all censures and penalties previously imposed by canon law.

[*Latin ed. p. 605*]

By councils, and other Pontiffs, to those who violate liberty, with these words: "We declare that, by this very act, they incur ecclesiastical censures and penalties, which are imposed against those who violate ecclesiastical liberty, jurisdiction, and immunity, according to the sacred canons, and the decrees of general councils, and the constitutions of our predecessors." Conversely, it is argued from Extravagantiae, 3, among the Commonplaces, concerning penance and remission, by Paul II, that formerly, excommunication by the Pope had already been imposed against those who violated ecclesiastical liberty. It does not, however, stand in the way to say that previously, the violation of liberty, which concerns persons, was reserved to the Pope alone, but not the violation of immunity, which concerns places; and that although excommunication was issued by Gregory against those who violated immunity, it was, nevertheless, not reserved to the Pope; for a reservation of excommunication is not considered to be made, unless it is expressly stated. It is answered that, since Gregory imposed the same censure for the violation of immunity, which had previously been imposed for the violation of liberty, if the censure was reserved with regard to the violation of liberty, it is also reserved with regard to the violation of immunity. Moreover, Clement VIII, in two decrees issued by himself concerning matters reserved to the Pope and to Bishops, in the first decree forbade all confessors to absolve from any matter reserved to the Pope; in the second, among the matters pertaining to the Pope, which he enumerates there, he states that the violation of immunity is present, according to the bull of Gregory XIV; furthermore, it was sufficient that the violation of immunity was called a matter pertaining to the Pope, so that it could not be absolved by Bishops. Finally, Fagnanus, n. 36, reports that this was decided by the Sacred Congregation of the Council. Subsequently, it must be noted that Religious who expel someone from their churches or monasteries who is delinquent, in order to avoid some inconvenience or danger, do not violate immunity, and can do so lawfully. Salm. tr. 18, c. 3, p. 3, § 5, n. 118.

CHAPTER III. Concerning the privileges of Bishops.

1. Concerning the faculty. It is permissible. Whether a Bishop can grant a dispensation in irregularity, whether from a fault or from a doubtful matter.

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29. In which places the Trident decree is not accepted, etc.

30. He who comes in the name of a Bishop.

31. Concerning foreigners. And whether a Bishop can absolve.

[*Latin ed. p. 606*]

Regarding papal reservations outside of confession. 52. How a fault is to be understood as concealed. 53. Whether a Bishop can delegate this power. 34. Whether reservations made by other Bishops apply, etc. 35. If reservations are made after the Council, etc. 36. Whether a Bishop can absolve a confessor who has absolved a person complicit in a grave sin. 37. Whether Bishops with reservations regarding the Bull *Cæna* can dispense. 38. Whether they can dispense in cases of irregularity incurred through heresy. 39. Whether they can absolve those who are impeded. 40. And whether through others. 41. Who are considered impeded. 42. Concerning perpetually impeded individuals. 43. Whether these individuals are bound by a letter, etc. 44. Whether they are bound to have recourse to the Bishop? What if they cannot recur? What if they are at the point of death? 45. II. Concerning the six episcopal reservations, and especially regarding the absolution of censure due to the striking of a cleric. 46. 47. and 48. III. Concerning dispensation with illegitimate individuals. 49. With bigamists. 50. IV. Concerning irregularities due to a concealed fault; and what if the fault is homicide, entirely concealed. 51. Concerning accidental homicide. 52. V. Concerning incapacities. 53. VI. Concerning the powers of Bishops regarding marriages. 54. Concerning dispensation regarding publications, vows of chastity, and impediments to marriage, leniently. Concerning doubtful diriment impediments. 55. Concerning certain diriment impediments, if a marriage has been contracted. 56. If a marriage has not been contracted. 57. Whether a Bishop can delegate this power. 58. VII. Concerning dispensation regarding interdicts. 59. VIII. Concerning dispensation for a chaplain, so that he may be able to celebrate Mass in another church. 60. IX. Concerning celebration after midday. 61. X. Concerning oratories. 62. In which places may a Bishop celebrate? 63. Whether he can dispense for celebrating at home. 64. XI. Concerning the power of Bishops and Prelates regarding the choice of their own confessor. 65. XII. Concerning the enclosure of nuns. 66. Concerning the approval of confessors for nuns. 67. XIII. Whether they can change last wills. 68. XIV. Concerning composition in uncertain restitutions. 69. XV. Concerning the reduction of Masses. 70. Concerning the union of benefices, the erection of new parishes, etc. 71. 29. — I. By virtue of the Council of *Trent*, session 24, chapter 6, Bishops have the following powers: It is permitted for Bishops to dispense in all irregularities and suspensions arising from concealed faults, except for those arising from voluntary homicide, and those which are subject to a contentious forum; and in all cases of concealed faults,

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even those reserved to the Apostolic See.

[*Latin ed. p. 607*]

The pastors, absolving those who have committed offenses... within their jurisdiction, either personally or through a vicarious delegate specifically appointed for that purpose, are permitted to grant absolution freely in the forum of conscience, imposing a salutary penance. Likewise, in cases of heresy, it is permitted to grant absolution to those within the same forum of conscience, but not to their vicars. Therefore, the Bishops, by virtue of the aforementioned chapter, *Liceat*, can dispense in all papal irregularities and suspensions incurred due to a hidden offense, except for voluntary homicide, and other cases that are brought before the contentious forum. We have said "due to a hidden offense"; hence, Bonaventure, Castrén, Salm, etc., rightly state that a Bishop, by virtue of the aforementioned faculty, cannot dispense in any hidden irregularity arising from a defect; see book 7, number 469, unless it is doubtful, as Fagnanus and Tournely, along with Gibert, and others, likely hold, citing the decree *Nuper*, concerning excommunication. Furthermore, they can absolve their own subjects, either personally or through another priest specifically appointed for that purpose, from hidden papal offenses; indeed, according to the Council, they were previously able to absolve even from heresy (personally, not through others); but see the aforementioned notes 58 and 50.

Regarding this faculty of the Council, several noteworthy points should be considered.

1. It should be noted that in those places where the Council of Trent is not accepted, the Bishops cannot use the aforementioned faculty of chapter *Liceat*, as commonly noted by DD. Suar., *de censur.*, d. 14, n. 6; Sanch., *Decr.*, l. 2, c. 11, n. 2; Salm., *de pænit.*, c. 15, p. 5, no. 50; Castr., t. 1, tit. 4, d. 4, p. 3, §. 2, n. 2, along with Barb., Garc., and rightly so: for the faculty of the Council is not received by the Bishops unless through the acceptance of that Council itself; and it would be very incongruous for someone to enjoy the privileges of the Council while refusing to bear its burdens.

2. It should be noted that, under the name of Bishops, vicars capitulars also fall under this, when the See is vacant; but not vicars of Bishops, from their general commission for the vicariate; for a vicarious can do what the Bishop can do by his own ordinary power (as will be said in note 57), but not what the Bishop can do by delegated power, even if it is ordinary, because it is attached to the office, as will be said in notes 54 and 47. Furthermore, in this faculty, the Council expressly requires a special delegation. See Sanch., *de matrim.*, l. 2, d. 40, n. 16. Whether Abbots, and others who have jurisdiction, are included...

[*Latin ed. p. 608*]

140. Also, concerning the episcopal case, Father Sarus. Also, Father

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Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Also, Father Sarus. Appendix: Certain authors, such as Coninchius, Barbatus, and others, maintain a certain opinion, while Father Sarus also holds this view. Others, more commonly, such as Fagnanus, etc., assert that Cassino, etc., extends to all, and is within the law, etc., and has the force of law. Otherwise, they say, the cases of such prelates would not recur. Otherwise, the cases of such prelates would not recur. – Note: See book 6, number 593, verse. Also, see book 7, number 79. – Note: It is also understood that the name of the subjects comes from the superiors, who are absolved by the local bishop, so that they may absolve, as Varro, Barbosa, Trullenchius, Bossius, and others; because the Council of Trent grants to bishops the power to absolve only from certain hidden cases, a certain declaration of the Holy See in Father Suarez states that, indeed, it is a sacramental absolution, but from his own proper jurisdiction, because the hidden cases are not absolved by the local bishop, but rather, a declaration was made outside of the sacrament, that bishops, contrary to what they assert, cannot grant absolution concerning the cases already mentioned, regarding absolution in chapter "Dilectus, de Bonacina, and irregularities," Pope Gregory XIII declared that he cannot grant a dispensation in cases of irregularity when the bishop is able to exercise the office of judge, as Fagnanus reports in his work. Some, such as Avila, deny that they would be hindered in their diocese; but it is more commonly given in a foreign diocese, and the jurisdiction can be exercised even in the absence of the territory. Nor do those words in the diocese, in their own jurisdiction, prevent this, since those words sufficiently verify when the bishop grants a dispensation from his own diocese. Indeed, it is very probable that Suarez, Sanch, and La Croix say this.

[*Latin ed. p. 609*]

Holzman, along with Castrop and Pignatello, maintain that the aforementioned words do not pertain to the first part of the dispensation for irregularities, but only to the second (in which absolution is granted), and therefore conclude that a Bishop can grant a dispensation, even if both he and the subject remain outside of their proper diocese. See book 7, number 81, 55. — Note 4: The term "delictum occultum" (hidden fault) should not be understood as that which can be proven in court by two witnesses, as some maintain, based on a certain declaration of the Sacred Congregation found in Fagnanus, in which it is stated that it is safe in conscience for one who has been absolved or granted a dispensation in such a case; but, as the more common opinion holds, "delictum occultum" should be understood as any fault that can be concealed in some way, even if it can be proven in

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court. Therefore, Azorius, Sanch., Tournely, Bonac. Castropal., the theologians of Salamanca, and others, state that a fault is not considered hidden when it is known to the majority of the town, or neighborhood, or college, provided that at least ten people are aware of it. See book 6, number 593, and here. And Cardinal Lambertinus, in Notitia 87, number 48, at the end, along with Tiburtio Navarro, Sayro, etc. (speaking of hidden impediments to marriage, where the same rule applies), asserts that an impediment is considered hidden if it is known to seven or eight people in a city, and to six people in a town. And Fagnanus himself, in chapter Vestra, concerning clerical cohabitation, etc., number 118, testifies that the Sacred Penitentiary considers as a hidden impediment that which is known to only four or five people. Indeed, I am aware that the Sacred Penitentiary has granted a dispensation in a case where the impediment was known to approximately ten people. See book 6, number 1111. Furthermore, Fagnanus states that a fault or impediment is not considered hidden, even if it is known to two witnesses, when there is a clause in the granting of absolution or dispensation, provided that it is entirely hidden. 54. — Here, a doubt arises: 1. Whether a Bishop can generally delegate this Tridentine faculty to other priests? Regarding dispensations for irregularities, it is sufficient (as Suarez, Barbosa, Sanchez, and others say) that the Bishop simply entrusts his faculty to others, without any special delegation, since the aforementioned faculty of granting dispensations, by virtue of the Council, belongs today to Bishops by ordinary power, since it is attached to the office of the Bishop, and not to the industry of the person. As for...

[*Latin ed. p. 610*]

Certain individuals assert that absolution from sins requires a special delegation for each particular case, considering the words of Trent, either by themselves or by a vicar specifically appointed for that purpose. However, the most common and more probable opinion, shared by Suarez, Sanchez, Barbosa, Navarro, Layman, La Croix, the theologians of Salamanca, and others, is that a Bishop can also generally delegate this faculty to a priest, provided that he expressly specifies it, because by specifying it, a special delegation is already considered to have been granted, which, indeed, can then be a general delegation for all cases that may arise; for, as we have said, this faculty today belongs to Bishops by ordinary right, as it is attached to the episcopal dignity. See book 6, number 594; Dubitation 9, 35.

Doubt 2: Whether a Bishop can absolve, or delegate, by virtue of the chapter "Liceat" [Let it be permitted], the faculty of absolving even from reserved cases with censures imposed by other Bishops, when those cases are hidden? Bonacina, and others, argue that the word "even" in the same chapter should be considered: "In all hidden cases, even those reserved to the Apostolic See." Therefore, they argue that the word "even" is not

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placed there uselessly, but that the faculty granted to Bishops is to absolve even from censures imposed by other Bishops that are reserved to them; thus, Bonacina, in *De Censuris*. He adds that this is considered to be received by custom, which often confers jurisdiction. Furthermore, he adds that this should be understood only when the censure has been imposed by a statute, or by a general decree; for if it has been imposed by a particular decree, he believes that absolution should be granted by the Prelate who imposed it, or by his superior, or successor. The reason is that, in that case, when the censure has been imposed by a particular decree, the crime is no longer hidden, but public; he cites Suarez, volume 5, dispute 7, section 2, number 27. Avila, Coninch, and others hold the same opinion. Barbosa also states this in *Collectanea Decretorum* in the Council of Trent, session 24, on Reform, chapter 6, words "Quoscumque sibi subditos" [Whomsoever are subject to him], including foreigners and pilgrims, and even vagrants, because these are subject to the Bishop of the place by reason of the forum of the sacrament of Penance, citing Suarez. Sanchez, Navarro, Bossius, Trullench, and others also teach the same. Barbosa, along with others, states this in *De Potestate Episcopi*, allegation 59, number 27. And this is referred to there as having been decided by Nicholas Garcia in *De Beneficiis*, page 11, chapter 10, number 159, in the third Declaration; in Armentar, book 7, on irregularities, number 18; and by Stephen Dalvin in *De Potestate Episcopi*, chapter 26, at the end.

[*Latin ed. p. 611*]

However, it seems that this should be understood according to the limitation of Clement X, who in the bull *Superna*, issued on June 21, 1670, stated that a religious confessor, within the diocese in which he is approved, can absolve those coming from another diocese, reserving the absolution only for sins committed within that diocese; unless those same penitents are known to have migrated to a foreign diocese in order to obtain absolution, thereby defrauding the reservation. How this "in fraudem" should be understood is explained in book 6, chapter on Penance, paragraph 589, lines: "How, etc." Where we believe, along with Roncaglia and others, that it should be understood "in fraudem" when someone seeks a foreign diocese as the primary purpose of obtaining absolution, and to avoid the judgment of their own pastor. On the contrary, the author of a moral theology text, intended for the Seminary of Petrocore, presented by Benedict XIV in the work *De Synodo Diœces.*, book 5, chapter 5, paragraph 8, writes: "It is the most accepted custom that travelers, merchants, and others who pass through foreign dioceses due to the necessities of business, or for some pious purpose, may there receive sacramental absolution." 56. — Doubt 3. Whether the faculty granted by the Council of Trent should be understood to apply to cases and irregularities reserved after the Council? Garcias and Floronus, in *Diana*, deny this, and infer from a certain declaration of Gre-

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gory XIII, in which, when it was doubted whether a bishop could absolve a nun who had broken her enclosure, from an excommunication (when it is hidden) reserved by St. Pius V, the Pope declared that he could not. However, the most common opinion, along with Sanchez, Bonacina, Suarez, Bossio, Diana, Vega, and others, affirms this; for in the chapter "It is permitted," the faculty is granted indefinitely, and according to the general axiom: where the law does not distinguish, neither should we distinguish. This praised declaration does not contradict, because in the bull of St. Pius there was a clause, from which, except by the Roman Pontiff, no one could be absolved, except at the point of death. Therefore, we are not at all in doubt with Diana, that through those bulls, in which there is some derogatory clause, such as "except at the point of death," the faculty is taken away from the bishops. See book 6, paragraph 594. 57. — Doubt 4. Whether a bishop, by virtue of the chapter "It is permitted," can absolve from a papal excommunication, which confessors incur by absolving their accomplices in a shameful sin, as stipulated in the bull *Sacramentum* of His Holiness Pope Benedict XIV?

[*Latin ed. p. 612*]

On the one hand, it seems impossible, because, since this case is inherently hidden, if Bishops could absolve from it, the Pope's reservation would be rendered useless; and we have already stated (n. 16) that every privilege is tacitly revoked when, otherwise, a law issued after the granting of the privilege could not achieve its effect. On the other hand, one might respond that, even with the aforementioned power granted to the Bishops, the aforementioned reservation would not be entirely useless, either because it can happen that a case sometimes becomes public; or because this reservation will always have its effect at least in Rome, and in all other places where Trent is not accepted, and in which (as we have said, n. 30) the Bishops cannot enjoy this privilege.

58. — Objection 5. Whether the aforementioned power of Trent has been removed from the Bishops by virtue of the Bull *Cæna*, with respect to hidden heresy, and with respect to other cases reserved by it? Navarrus, Coninc, and others deny this, and Milante, Concina, and the theologians of Salamanca do not disagree, saying that the concession to Trent was not expressly revoked in the Bull, as it ought to have been according to canon law. However, we affirm the more common opinion, and this is due to several declarations of the Sacred Congregation, both by virtue of the derogatory clause "unless in articulo mortis," which is already read in the Bull, as we have stated above (n. 56), and by virtue of another clause, by which they are forbidden to absolve under the pretext of any indulgences granted by us, or by any decrees of any Council. On this matter, several declarations are attributed to Fagnano, and to Cardinal Lambertini, *De Synodo*, book 9, chapter 4, n. 9, as well as to Pope Pius V and Gregory XIII. Furthermore,

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the proposition 3, which stated that the prior opinion had been examined and tolerated by the Sacred Congregation, was condemned by Alexander VII. This condemnation, as rightly say Viva, Holzman, and Elbel, and the highly esteemed Cardinal Lambertini, *De Synodo*, book 9, chapter 4, n. 10, certainly made the contrary opinion improbable; for when the Pope declares that something has never been tolerated, he also implicitly declares that it is not to be tolerated; hence Lambertini concludes that no one can today use such an opinion without a note of temerity.

59. — It must be noted here that, although the Bishop cannot, in the internal forum, absolve from hidden heresy, he can nevertheless, as an apostolic delegate, grant a dispensation in

[*Latin ed. p. 613*]

Having incurred irregularity due to the aforementioned hidden heresy, as the authors of Salamanca and Felix Potesta state. See book 7, number 76. Furthermore, the Bishop, as an apostolic delegate, can absolve a heretic, even a notorious one, with regard to the external forum, after a prior abjuration has been made before a notary and witnesses; and after the heretic has been absolved by the Bishop, he can then be absolved from the sin of heresy by any confessor; thus, the Doctors Roncaglia, Farinac, and Castrop, among others, commonly affirm in *Tractatus*, book 4, question 1, chapter 6, and Castrop, *De Fide*, book 4, division 4, page 3, paragraph 2, numbers 1 and 2, along with Sanch, Navarr, Ban, Guttier, Comit, Vivald, etc., based on the *bulla* "Cum Sicut," issued by Clement VII in the year 1350.

6. It is doubted whether a Bishop can absolve from heresy, and from other cases mentioned in the *bulla Cænæ*, those who are prevented from going to Rome? Some absolutely deny this. Others deny it only in the case of heresy. But we commonly affirm that he can, with the common opinion of Theologians and Canonists, which is held by Lugo, Laymen, Conc. Roncaglia, Castrop, Milante, Salamanca, Conchinus, Avila, Potesta, Viva, Pellizzarius, etc., because, even with the impediment present, the ordinary power of the Bishops is restored, which they previously held over these cases, by virtue of canons 43, 29, and 38, concerning excommunication; although the language there pertains only to the censure imposed by a cleric, the Doctors commonly extend it to all other censures, and especially from canon 22 of the same title, where the language pertains generally to any censure imposed by a Canon or a person, and it is stated that, if one cannot have recourse to the one from whom he ought to be absolved, due to an impediment, he may be absolved by another. See book 7, number 84.

41. And it should be noted here that 1. in such a case of impediment, the Bishop can not only absolve from heresy by himself, but also through others, in general, as delegates. Nor does the Council of Trent, in which it is said that this is permitted only to the Bishops themselves, and not to vicars, present an obstacle, because the Bishop does not absolve by the authority

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of the Council, but by common law, according to which it is granted to Bishops to absolve, and to delegate, as in other cases. See book 7, number 90.

42. It should be noted 2. that with respect to those who are impeded, there are the elderly, women, the infirm, the young, the poor, and those who have some enmity, and all others who have other just excuses, by which they are prevented from traveling.

[*Latin ed. p. 614*]

Those who are reasonably excused, as is stated in the chapter concerning certain cases, regarding the sentence of excommunication, and in the canons "It is known," and "Although," from the same title. It should be noted that, if the impediment is temporary and notable (lasting, for example, six or seven months), those who are impeded can be absolved properly, but they themselves, with the exception of women and children, must give an oath to appear before the Apostolic See, once the impediment ceases, at least through a procurator, so that they may be absolved directly by it; and if they do not appear, they fall again under the same censure, as is stated in the chapter "Those who, according to the sentence of excommunication, in the sixth..." And this applies even if they have been reconciled and have made satisfaction to those they have offended. See book 7, numbers 85 to 87, and 43. — If, however, the impediment is perpetual (that is, it will last for ten years, or at least five, as Roncaglia, Viva, and Tumb. say), those who are absolved remain perpetually free from the obligation to appear. But generally speaking, those who are perpetually impeded are: 1. Those who have a family to support; 2. Religious, even if they incur a censure before entering; 3. The elderly, those who have reached the age of seventy; 4. Servants; 5. The poor; 6. Those condemned to service on ships or in prisons; 7. Those who are infirm with a serious and prolonged illness, such as quartan fever, and the like; 8. Those who are obligated to support or provide for the needs of a family; 9. All women, even if they are not nuns (except for the excommunication incurred by nuns for breaking their enclosure, even if it is concealed, which is always reserved to the Pope, as we said in number 36.); 10. Those who are not yet of age, even if they request absolution after reaching puberty; 11. Those who live in a place from which they cannot leave, such as soldiers or seminarians. And finally, all others who cannot go to Rome without suffering a serious loss, either spiritual or temporal. See book 7, numbers 87 and 88, and 44. — Note 3: It is to be noted that, according to the more probable and common opinion of Castropal, Avila, Coninchii, Milantis, Roncaglia, Salmanticensium, Viva, Sporer, Dicastilli, and others (contrary to Bonac. and Potesta), those who are impeded in this way are not required to appeal to Rome through a procurator, or by letter, because, as long as the impediment exists (as we said in number 40), the power of the Bishops to absolve is restored, a power that had been taken

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away from them by the pontifical reservation. Especially because the law obliges only for a personal appeal.

[*Latin ed. p. 615*]

Where one is personally prevented from going to Rome, all other obligations are fulfilled. See book 7, section 89, number 45. — Note 4: It should be noted that, when a penitent cannot present himself to the Pontiff, he is necessarily obligated to appeal to the Bishop to be absolved from the papal censure, as is stated in chapter 1 of "De cætero" and the aforementioned chapter. This is known from the sentence of excommunication. However, when even the penitent cannot present himself to the Bishop (even outside of the danger of death), it is very probable, according to Soto, Navarro, Suarez, Castropalao, Layman, Roncag., the theologians of Salamanca, La Croix, etc., that he can be absolved by any simple confessor (with the obligation, however, of presenting himself to the Bishop, once the impediment is removed), as is deduced from the text in chapter "Nuper," in the same title. See book 7, section 92. And then we say that the penitent, by his own words, probably, as say Castropalao, Gerson, Soto, St. Antoninus, Lugo, Salas, etc., is not obligated to confess reserved sins, unless he is a relapsed sinner in those sins, or because of those sins there is an imminent occasion, so that it is necessary to manifest them, so that the confessor may correctly judge his disposition. See book 6, section 263, question 2. And when the penitent is in the article of death, he can probably be absolved by any confessor from papal censures, even in the presence of the Bishop; for in death (as we have said), all reservation ceases. We say from papal censures, but not from reserved censures with a censure reserved by the same Bishop; because the confessor must also instruct the dying man to present himself to his superior, in the event that he recovers, so that he may receive from the same both the appropriate admonition and the penance for the reserved censures, even though they have been absolved, according to the common opinion: hence, how can he be absolved with the superior present, see book 7, section 92. But let us move on to the other privileges and faculties enjoyed by Bishops. 46. — II. There are certain excommunications in law, of which the absolution is reserved only to the Bishops; and these are: 1. Against those who strike a cleric, or a monk, or any other person holding the canonical privilege. 2. Against those who procure an abortion of a living fetus. 3. Against those who are absolved in the article of death from a censure reserved to the Bishops, and afterwards, upon regaining their health, do not take care to present themselves to the same. 4. Against the Friars Minor who admit in their Ectom. X.

[*Latin ed. p. 616*]

Concerning the brethren of the third Order who attend to divine services in the churches. 5. Regarding those who, in the same offense, communicate

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with those excommunicated by the Bishop. 6. Finally, all excommunications which the Bishop reserves to himself are retained. See book 7, number 243. However, certain special considerations must be noted concerning the absolution of excommunication for striking a cleric. First of all, a distinction must be made between a light (or moderate) striking and a grievous one. To incur excommunication, a mortal sin is always required; a light striking, as explained in the Extravagantes, which Navarrus extensively recounts in his Manual, chapter 27, number 91, is when there is a simple striking, which is done with the hand, foot, stick, and similar things. A grievous striking occurs when a tooth is knocked out, a notable quantity of hair is pulled out, or when any striking leaves a mark, or a bruise on the flesh, or when there is an effusion of blood caused by fists or nails. A very grievous striking occurs when a limb is mutilated, or a great wound is inflicted; or when a wound is inflicted by some instrument, or when there is a large effusion of blood, or when a great injury is inflicted; hence, a wound that begins as light can become grievous or very grievous, either by reason of the dignity of the person offended, or by reason of scandal, as when a religious person strikes a cleric; or by reason of the sacred or public place; or by reason of the time, as when during the celebration of sacred functions; or finally, if the injury itself is inherently very grievous. See book 7, numbers 277 and 279. 47. – With these things established, it is stated in the Extravagantes cited above that if excommunication is incurred for a light striking, it can be absolved by the Bishop, indeed even by his vicar; for this power belongs to the Bishop by ordinary right, as Sanchez, Bonacina, and Molina state, and according to the general rule (as we said in number 31), whatever the Bishop can do by ordinary jurisdiction, his vicar can also do, since the vicar, together with the Bishop, constitutes one and the same tribunal, as Fagnanus, Sanchez, and others prove. See book 7, number 224. The same excommunication can probably also be absolved by those who have quasi-episcopal jurisdiction, and who come under the name of Bishop, as we said in number 31. If the striking was done publicly, the excommunication can only be absolved by the Pope, or by his legate (and recourse can also be had to the Sacred Penitentiary).

[*Latin ed. p. 617*]

but not from a Bishop), it should be accepted if it is concealed; or if those who struck are underage, or women, as from chapter "Pueri" and chapter "Mulieres" concerning excommunication; or if they are prevented from going to Rome, according to what we said in number 40. Those who live together in a collegiate institution can be absolved by the Bishop if the striking was serious, but not if it was enormous, as from chapter "Quoniam" concerning the life and honor of clerics. See book 7, number 279. 48. — Note here 1. that in doubt, whether the striking was light or serious, it is judged to be serious, as we have from the aforementioned Extravagant.

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In it, it is said: "Rather, let it be considered a serious striking, and let it not be possible to absolve from it." Note 2. that, according to the more common and probable opinion, if someone gives poison to a cleric, then censure is incurred when the poison begins to cause harm, because at that time violence is already present; on the contrary, before it causes harm, there is no effective violence, but only an action apt to cause violence: thus Bon. *Viva*, *Diana*, etc., book 7, number 280. 49. — III. Regarding non-hidden irregularities, the Bishop, from canon 1 and canon 2 concerning the sons of priests, can grant a dispensation to illegitimate individuals only to receive the minor orders, and simple benefices, and canonries in collegiate institutions, as well as non-integral portions in cathedral churches, or other benefices to which holy orders are not attached; but not to benefices with cures. See chapter "Is qui," from the same title. All agree on this. It is doubted 1. Whether the Bishop can grant a dispensation for a canonry in cathedral churches? And indeed, with the more probable opinion, and with the common opinion of Bossius, Castropalus, Barbosa, Salamanca, etc. (against Pontas and Tournely, with Gibert), we say that he cannot; for although a canonry in itself is a simple benefice, nevertheless, by virtue of the 24th session of the Council of Trent, canon 12, it is attached to holy orders; hence, today it requires holy orders by its very nature. See book 7, numbers 428 and 429. It is doubted 2. Whether the Bishop can generally grant a dispensation in such irregularities with secretly hidden illegitimate individuals? Diana, Avila, Barbosa, etc., admit this, saying that the Council of Trent already allows Bishops to grant dispensations in irregularities arising from a secretly hidden fault. But we deny this, along with Suarez, Layman, Bonacina, Castropalus, Tournely, and others: and indeed, even Diana has retracted this in some respects, because such an irregularity...

[*Latin ed. p. 618*]

It does not arise from a fault, but from a defect; and even if it were to arise from a fault, the chapter "Liceat" is understood to refer to a fault of one's own, not of another. See book 7, number 450. Objection 3. Whether a Bishop can grant a dispensation in cases of illicitly concealed circumstances, at least with regard to the higher orders already received. Layman, Castropal, and Diana assert, not only if the person received the orders in good faith, but even in bad faith; and they infer this from the chapter "Nisi Personæ," concerning renunciations, where it is said that a Bishop can grant a dispensation to one who has been illicitly ordained through a culpable fault. But this must certainly be denied, along with Suarez, Fill., Salm., etc., for the reasons given above, that a Bishop cannot grant a dispensation concerning the higher orders. Nor does the cited text present an obstacle, because it is understood that granting a dispensation is entirely the prerogative of the Pope; for there the discourse is about a certain Bishop who was improperly ordained in this way. Ibid., number 451, 50. Navarrus, Sanchez,

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Concina, and others, along with St. Thomas, assert that a Bishop can also grant a dispensation to a bigamist for the reception of the higher orders and simple benefices. But we deny this, along with Suarez, Laym., Castrop., Tournely, Barbosa, Bonacina, etc., by virtue of a certain declaration of Sixtus V, in which the Pope declared a certain Bishop suspended, because he had conferred a benefice upon a bigamist, and added that he had incurred penalties, as having been improperly promoted, as found in Fagnan, in c. Quoniam, concerning constitution number 52. If, however, the bigamy is merely putative, although it is public, the most common opinion, along with Toledo, Suarez, Castropal, Sanchez, Salmantic, Tournely, and many others, is that a Bishop can grant a dispensation even with regard to the reception of the higher orders; and this is proven from chapter 4, concerning married clerics, etc., 1. Qui cler. vel mon. It is generally excepted, if a cleric has a widow as his wife, or another who is not a virgin, or if he has another wife before ordination. See book 7, number 452, 51, IV. As we said from the beginning, a Bishop can grant a dispensation in irregularities incurred due to an illicitly concealed circumstance, except for voluntary homicide. Concerning this, some doctors say that, even if these circumstances are present, if the homicide were so concealed that it could not in any way be proven in court, then a Bishop could grant a dispensation. But this opinion was rightly rejected by Salmantic, by Roncaglia, etc., because, on one hand...

[*Latin ed. p. 619*]

Bishops are powerless regarding irregularities, except for what was granted to them by the Council of Trent in the same chapter. It is permitted, in which it is expressly excepted, voluntary homicide concealed. That which is understood by the name "concealed," meaning that the contrary is true, that is, that it can be proven in judgment, even if it has not yet been proven, is entirely asserted freely. See book 7, number 392, and so declared the Sacred Congregation on May 21, 1718. In that instance, the question was whether a Bishop could grant a dispensation in a certain case of homicide committed by a boy who, while playing with another boy, wounded him with a small sword, and who died forty days later from the same wound; namely, because the offense had been concealed for a period of eighteen years, and because it was morally impossible to bring it before a court. The Sacred Congregation responded: "No." In the *Thesaurus*, it is declared by the Sacred Congregation, page 85. Furthermore, the common opinion is that a Bishop can grant a dispensation when there is imminent danger to the soul, or another very serious reason, and it would be difficult to appeal to the Pope. See book 7, number 591. Moreover, Suariz, Castrop, Bonaventure, Salamanca, and others commonly assert that a Bishop can grant a dispensation in an irregularity resulting from a concealed mutilation. See book 7, number 381. Furthermore, it is the most common opinion, shared by Navarro, Layman, Sylvester, Barbosa,

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etc., that a Bishop can grant a dispensation in an irregularity due to accidental homicide, not only if it is concealed, but even if it is notorious, for the purpose of receiving minor orders and simple benefices; for this, Bishops could already do in ancient times, as many Doctors testify; and the Council of Trent excepted only voluntary homicide, not accidental homicide, even if it is public. See book 7, number 393. 52. — Homicide, however, is considered accidental, *e contra*, if someone, intending only to strike, causes death through negligence; or if a surgeon is the cause of death through negligence, and similar cases. There is doubt, therefore, whether homicide committed in a brawl should be considered accidental? Many affirm, as do Diana and Salamanca, along with others: but we deny it, following the common opinion of Suarez, Navarro, Concina, Tamburini, Sporer, and others, along with Diana, who retracts; for he who commits homicide in a brawl, already voluntarily kills. See book 7, number 594. Nevertheless, it is very probable, and the common opinion is that of Suarez, Layman, Navarro, Tournely, Bonaventure, and La Croix (who *cam.*)

[*Latin ed. p. 620*]

The common opinion holds that a Bishop can grant a dispensation to one who kills in self-defense, but who exceeds to some degree in that defense; for such a homicide cannot be said to be absolutely voluntary.

53. — Regarding the impediments imposed by the Pontiffs as a penalty, there is doubt as to whether a Bishop can grant a dispensation: such as, for example, the impediment to receiving benefices, imposed by Sixtus V. in his bull *Effrænatum*, concerning those who procure abortions; and the impediment to celebrating Mass, imposed by Pope Benedict XIV. in his bull *In generali Congregatione*, on confessors who are troublesome. Some affirm that a Bishop can grant a dispensation, but this must be denied according to what was said in book 1, number 191, where we stated that Bishops cannot grant dispensations in pontifical laws, unless a special faculty has been granted to them by the Pontiff. Anacletus denies this, and Roncaglia doubts it when speaking of abortion; but Elbel and Sporer absolutely admit it, based on the commonly received rule (as they say) from Scotus, St. Bonaventure, and others; that a dispensation from all penalties imposed by common law, and not specially reserved to the Pontiff, is granted to Bishops, as can be gathered from chapter *Nuper* 29, concerning excommunications. See book 1, number 191, in fine, and book 6, number 705, in fine.

54. — Regarding the matter of marriage, the Bishop has various faculties to grant dispensations. He can also grant dispensations in publications. Furthermore, he can grant dispensations in a vow of chastity made by spouses. It remains to be seen whether Bishops have any faculty regarding impediments that are impediments.

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55. — In the case of impediments that are impediments, only the Pontiff can grant a dispensation. However, if the impediment were doubtful, the common opinion is that a Bishop can also grant a dispensation: so say Sa, Merbesius, Tournhem, Diana, Pichler, etc., and although Sanchez in his *Tractatus de matrimonio*, book 8, chapter 6, number 18, denies this, nevertheless in his *Decalogus*, book 4, chapter 40, number 26, he seems to have retracted; for there he says, as if from a general rule: "Since the preservation of a dispensation is odious, it must be restricted to certain cases; for doubtful cases are not included in the reservation"; as he asserts that he previously demonstrated in book 1, chapter 10, number 7. See book 6, number 902, v. Furthermore.

56. — On the contrary, when the impediment is certain, and the marriage has already been contracted, it is...

[*Latin ed. p. 621*]

The opinion is that the Bishop can dispense in such cases, whenever it is not easily possible to obtain recourse to the Pope, and whenever there is a danger of scandal or infamy, if the spouses are separated, or of incontinence, if they are not separated; thus Sanch., Castrop., Conc., Merbes., Tourn., Cabassut, *Nat.* by Alex., Bonac., Barb., Salm., etc., against certain few. See book 6, number 1123. And Benedict XIV, in *De Synodo*, book 9, chapter 2, number 2, holds the same opinion. It is to be presumed that the Supreme Pontiff delegates to the Bishop the power to dispense, which would certainly not be denied to him. However, La Croix and Felix Potesta note here that if a dispensation can conveniently be obtained from the Holy Penitentiary, and the spouses are in good faith, then that is to be awaited, and in the meantime, the spouses are to be left in their good faith. Furthermore, it is to be noted, with Pontius, Castrop., Barb., Escob., Sanchez, Salm., and others in common, that the Bishop cannot dispense if both spouses have acted in bad faith; for then, if room were made for such dispensations, an opportunity would be given to celebrate marriages daily without any hope of dispensation. Moreover, the Council of Trent, Session 24, chapter 5, absolutely wants anyone who knowingly enters into a marriage in a prohibited degree to be completely deprived of any hope of dispensation. It must be noted, however, with Sanch., Salmanticensis, Bann., Concin., Aversa, etc., that in order to establish bad faith in this case, it is necessary that the contracting party not only knowingly commits an act, namely, that he enters into a marriage, but also that he knew that there was an impediment, indeed, that he had true knowledge of it; for the Council says: "he knowingly presumed." Therefore, when there is gross ignorance, a dispensation may indeed be granted. A dispensation must also be denied to him who contracted, but omitted the publications out of malice, as is stated in the same Council, in the place cited. See book 6, number 1124, 57. If, however, the marriage has not yet been contracted, there is

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also a very probable opinion, and it is a common one, that the Bishop can then dispense in a diriment impediment, when there is a danger of infamy, and recourse to the Pope is not easy; thus Suarez, Pignatellus, Pontius, Concina, Cabassutius, Castrop., Salm., Bonac., Cardenas, Sylvius, La Croix, Viva, etc., with Benedict XIV, in *De Synodo*, book 9, chapter 2, number 2, against the most rigid Fagnanus, who denies this even in danger of death, and in a state of necessity.

[*Latin ed. p. 622*]

It is commonly held that in such cases, either the Pontiff will grant the Bishop the power to dispense, or that in a case of such necessity, the reservation of dispensation will cease, and the Bishop may then dispense according to his ordinary power. See book 6, paragraph 4122, and more fully in the same book, paragraph 615. Indeed, Pignatelli asserts and proves, volume 3, Consultation 53, paragraph 6, that in such a case, not only the reservation, but also the law of impediment, ceases to be in effect, if it has already become pernicious; for it is certainly true that a harmful law does not bind, as all teach, including St. Thomas. From this, Roncaglia and the *Instructor novus confessariorum* infer that, should the case arise in which the betrothed have already approached the Church, and one of them reveals to the confessor an impediment secretly contracted, which is now considered a sin, and without which the marriage cannot be postponed without scandal or infamy, the confessor may declare that, in this case, the law of impediment does not bind, and that the marriage may be lawfully contracted. However, for greater caution, they advise seeking dispensation from the Sacred Penitentiary. But it must be noted that this applies when the Bishop is absent; for when he is present, it is necessary to appeal to him to grant the dispensation, as we have said in paragraph 45. Sambovius and Gibert state that if the betrothed are from different dioceses, each betrothed must obtain a dispensation from his own Bishop. However, Honoratus Tournely and others probably deny this, because when the Bishop removes the impediment of his subject, he thereby renders him capable of contracting marriage with another who is impeded; just as he who has the power to dispense in some degree, by dispensing with one of the betrothed, dispenses also with the other. Book 6, paragraph 1142, 58.

The question is raised: Can the Bishop delegate this power to dispense in impediments that are impediments to marriage, in the cases described above? Some few deny it, but commonly, Castrop, Bonac, Barb, Sylvest, Sanch, Pontius, Coninch, Salm, Escobar, and others affirm it. And he can delegate it not only in particular cases, but also generally for all cases that may arise, as Sanchez, Castrop, Salm, Bonac, Elbel, Valentia, Vasquez, Salas, Henriq, Coninch, and Guttierez state. For since this power is not attached to personal industry, but to the episcopal office, it is already considered ordinary; and therefore, it can rightly be delegated, as we noted in paragraph

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54.

[*Latin ed. p. 623*]

Much more, therefore, must be said concerning all other faculties which Bishops possess regarding publications and impediments. However, it must be noted that vicars of Bishops do not have the power to grant dispensations without a special commission from them; for, as we stated in n. 31, in a general vicariate, the power to grant dispensations in such cases, which Bishops possess, is not conferred, due to the presumed will of the Pontiff. See book 6, n. 615, and more fully n. 1125, 59. – VII. The Bishop can grant dispensations concerning the intervals prescribed by the Council of Trent with regard to the ordination of clerics. And I. concerning the minor orders, the Council remits this dispensation to the prudence of the Bishop, saying: "Minor orders should be conferred during intervals of time, unless it appeared more expedient to the Bishop." Session 25, chapter 11. Therefore, even among the minor orders (in themselves), some time should pass, either from one general ordination to another, as some assert, or from one festive day to another, as others affirm. However, in order to grant a dispensation in such intervals, any sufficient reason suffices, as many Doctors teach. Between the first tonsure, and the minor orders, however, no interval is required, because the first tonsure is not, strictly speaking, an order. II. Concerning the subdiaconate, the Council requires an interval of one year from the reception of the minor orders, but adds: "unless necessity, or the benefit of the Church, requires otherwise," ibid., chapter 11. To be understood here is the Church to which the cleric is assigned, as is clear from chapter 15. III. From the subdiaconate to the diaconate, a year is also required; but in this case, the Bishop can grant a dispensation for any reasonable cause; for the Council says: "Unless it appeared more expedient to the Bishop." Session 25, chapter 15. IV. Finally, from the diaconate to the priesthood, a year is also required, but more strictly. The Council requires not only the benefit of the Church, but also necessity, saying: "For a full year, unless for the benefit of the Church, and for necessity, it appeared otherwise to the Bishop." See book 6, n. 795, 60. – VIII. The Bishop can also grant a dispensation to celebrate in another altar, or in a church not designated by the founder, when there is a just cause: e.g., if this would be to the benefit of the same Church; or if a chaplain is detained by illness, or is engaged in studies, or other affairs; or if it would cause him great inconvenience to attend the designated church.

[*Latin ed. p. 624*]

They may not be able to do so, or for other reasonable reasons of a similar nature; thus, commonly assert Castrop, Concina, La Croix, Salm, Barbosa, Roncagl, Passerinus, Henriq, Tamburin, Mazzotta, and others; for then the Bishop, as far as is right, according to what we shall say in n. 68, interprets

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the will of the founder. However, La Croix and Pasqualigo rightly make an exception if the founder had designated the church, and the hour, for the special convenience of the family, or the people, or for the worship of a particular Saint. On the contrary, Lugo and Tourn say that if the founder had no such intention, or if the intention has already ceased, the priest celebrating elsewhere commits only a venial sin; indeed, he is excused from all guilt if he celebrates in a privileged altar, because then it redounds to a greater good of the same founder. See book 6, n. 529, 61. — IX. Moreover, the Bishop can, for just reasons, grant permission, both to himself and to others, to celebrate after midday, as Lugo, Wigandt, Navarrus, Castrop, Laym, Salm, etc., say. Book 6, n. 344, at the end, 62. — X. Formerly, from canon 11 of the Missarum, dist. 1, Bishops could also celebrate, either by themselves or through other priests, in any place, even in private houses. But afterwards, from the Tridentine Council, session 22, in the Decree concerning the celebration of Masses, etc., it was forbidden for Bishops to grant permission to celebrate in other places, except in oratories blessed by them, and intended for sacred uses, which are considered as public; hence, it can be celebrated daily there. Such oratories should have an entrance to a public road; but this is not to be understood of those which are erected in the houses of religious orders, or of any community; such as those in seminaries, monasteries, hospitals, or prisons, which do not require an entrance to a road, and it is rightly possible to celebrate in them on solemn days, as the Sacred Congregation has declared. The same should be said of oratories which Bishops have in their own houses, even country houses outside their own dioceses. Book 6, n. 357, 65. — Moreover, Bishops formerly, from the last canon of the chapter on privileges in book 6, when absent from their dioceses, could celebrate, either by themselves or through others, in any house outside their own dwelling. But Clement XI took away this faculty from them; however, Innocent XIII restored it again in his bull, "Apostolici ministerii," dated May 4, 1725, in which he said that the prohibition was not to be understood of houses,

[*Latin ed. p. 625*]

In which matters the Bishops might delay, either during a visitation or a journey; so that even when Bishops are absent in cases lawfully permitted, they do not cause delay in another's house. And this was confirmed by another bull of Benedict XIII. But since this privilege is personal to the Bishop, Tamburinus observes that other priests, when the Bishop is absent, cannot celebrate in those houses. See book 6, number 358, 64. — It is doubted whether a Bishop can ever grant a dispensation for the celebration of the Mass in chapels existing in private houses? Father Mazzotta denies this; but Suarez, Lugo, Castrop, Navarrus, Vasquez, Conchinus, Salm, Holzman, Elbel, La Croix, and many others commonly affirm that, provided there is a reasonable cause, and provided that permission is not granted perma-

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nently as a habit, but only as an act, that is, because of that accidental cause. They say that this does not at all impede the decree of Trent, because by that decree the power given to the Bishops to grant permission to celebrate the Mass as a privilege, and at their discretion, has been taken away (as we said in number 62), but not the power to grant a dispensation for a just cause, as decreed by Clement XI. This must be understood in accordance with the decrees of Paul V and Urban VIII, by which Bishops are prohibited from granting dispensations as a habit, except in the case of some temporary necessity, such as illness, etc. However, some admit this only for a certain number of times within the year; but Pasqualinus and Gallemarte, in Trent, Session 22, decree on the celebration of Masses, number 6 (and Holzman and Elbel do not dissent), say that it can be granted indefinitely as long as that accidental cause persists; and rightly so, for the prohibition (which must always be understood strictly) refers only to permanent dispensations as a habit, and should not extend to those that are granted temporarily as an act because of some passing cause. But see about this, what has been said more fully in book 6, number 359, 65. — In the final chapter on Penance and Rheims, it is written that it is granted to Bishops residing outside their own diocese, and to lesser prelates (by which name come abbots, and superiors of religious houses, and also prelates of the Roman curia, such as protonotaries, auditors of the Rota, etc., as Suarez, Lugo, Diana, etc., say), to choose a confessor, without the permission of the Ordinary of that place. But the Holy See declared (which was confirmed by Gregory XIII, according to Fagnanus) that this must be understood to mean,

[*Latin ed. p. 626*]

that they may choose any priest, whether subject to them or not subject to them, but approved by their own Ordinary, that is, by the Ordinary of the domicile of that priest, as Lugo explains. See book 6, number 563, verse 1. Here, the doubt is: Do Cardinals enjoy the same privilege? But only in Rome, as Fagnanus says: and they can choose any priest as a confessor, both for themselves and for their family, whom they can even bring from outside Rome; which is also granted to Bishops. Ibid., verse, doubt 2, 66. – XII. Bishops are delegated by the Apostolic See to maintain the enclosure of monasteries of nuns, even those exempt, and those subject to rules. From this, De Alexand. Butrius, Clericatus, Pellizar. etc. (against Diana, and Pasqual.) infer that Bishops can reserve cases concerning the enclosure to themselves, and thus the Sacred Congregation declared on November 16, 1620. This is to be understood also with respect to the Jesuits, etc. 67. – All confessors of nuns, even those exempt, must be approved by the Bishop, as Gregory XV prescribed in the bull Inscrutabili, which Clement X confirmed in all respects with another bull Inscrutabili 7. Benedict XIII, and more recently Clement XII, who in all respects renewed Gregory's bull (about

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which see below, number 80), also with regard to those things which Benedict XIII had granted contrary to Gregory's bull. L. 6, number 577. And therefore, Tamburinus says, that even exempt nuns may be subject to cases reserved by the Bishop; because just as he can limit the time and the persons, so also he can the cases. But others, more commonly and probably (Pelliz., Quintanad., and De Alexand.), deny this, because exempt nuns are outside the jurisdiction of the Bishop; and the approval of a confessor concerns only his suitability; all the more so, because in the bull Superna, it is said that the Bishop can limit the time, place, and persons; and there is no mention of cases. See book 6, number 602, Question VI. But this does not apply to the enclosure, concerning which the Bishop can well reserve both cases and censure to himself; according to what we will say in number 80. Furthermore, it should be noted that by the bull Pastoralis, Benedict XIV, the Bishop can assign an extraordinary confessor to exempt nuns, if their regular Prelate refused to grant him.

[*Latin ed. p. 627*]

It is necessary for [the testator] to provide for another order, or for ecclesiastical purposes, and this not only in death, but also in life, each year. See book 6, number 576, 68. — XIII. Several Doctors assert, as do Angelus Sylvestrus, Armilla, Tabiena, and others with Croix (who adhere to them), that a Bishop can alter the pious dispositions of testators for a just cause, because they themselves have the power to grant dispensations according to the law which commands that the last wishes be fulfilled, whenever a just cause is present; and they confirm this from the Council of Trent, session 22, canon 6. But we deny this, with the more probable opinion of Molin, Laym, Sanch, etc., because in chapter Tua, concerning testaments, and in chapter 8 of the same session 22, the Council commands that Bishops should diligently fulfill the last wishes. Nor does what they object, and which is read in the same chapter 8, constitute an obstacle, because there it is only entrusted to the Bishops to examine the causes, whether they are true or not, when the last wishes are made by the Apostolic See. Moreover, in Clementine, *Quia contingit*, concerning religious houses, it is said that goods intended for some use cannot be applied to others unless by the Apostolic See. Furthermore, it is very probable that Laym, Bonac, Salm, Coninch, and Trull say that, whether some cause arises, or whether the testator is ignorant of some cause, which, if he had known it, he would have disposed of differently, then the Bishop can alter the arrangement, but together with the heir; although, if the heir objects, several Doctors assert that this can be done by the Bishop, even if the heir contradicts him. See more about this in book 4, number 951, question 2, 69. — XIV. Moreover, Doctors such as Viva, Diana, Trull, Busemb, and others say that a composition of uncertain restitutions (that is, those of which the owner is uncertain) which are to be given to the poor, can be made by a Bishop; because, as

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they themselves say, such a composition is not reserved to the Pontiff by any law, but rather it is according to the presumed will of the creditors. But Lugo, Molina, Turrianus, Corduba, and others more reasonably object, because the administration of such goods pertains only to the Pontiff, or to the prince. See book 4, number 591, note. And in truth, Pope Benedict XIV, in the bull *Pastor bonus* (April 23, 1744), granted this faculty to the Holy Penitentiary. See book 7, number 470, ad X, 70. — XV. La Croix, Tam, and Pasq. also affirm that a Bishop can reduce the number of Masses which the testator, in volume X, has ordered.

[*Latin ed. p. 628*]

Regarding the relics, it sometimes happened that, due to the small number of priests available, those who were to celebrate Mass could not be found. But here, Father Concina objects, and indeed reasonably; for the decree of the Holy See, issued by order of Urban VIII and confirmed by Innocent XII, strictly prohibits Bishops from reducing, moderating, or altering the obligations of Mass imposed at the founding of a church, and after the Council of Trent, it intends that, in this matter, complete recourse should be had to the Apostolic See. Therefore, it was rightly declared there that the faculty granted to Bishops, and others, by the Council in Session 25, chapter 4, is to be understood as pertaining to the reduction of Mass obligations *before* the Council. Furthermore, Fagnanus, with Felino, says that if, from the beginning, the revenues were sufficient, and then they were diminished in such a way that they are in no way sufficient, then it does not seem that the faculty which Bishops have by common law to moderate Masses is taken away. We, from the testimony, see in book 6, number 531, and in Dub. 1, 71. – As was said above, number 55, it is possible for the Bishop to grant dispensation in all things in which dispensation is not specially reserved to the Pope. It should be noted here, finally, that, according to the Council of Trent, Session 21, chapter 7, a simple benefice can be united, or transferred to another church, which has already been reduced to a small endowment, or was founded in a church which has collapsed over time, so that it can no longer be repaired. See Barb. de pot. Ep. all. 66, number 15. Furthermore, the Bishop can unite simple benefices, even those that are reserved, or affected, or vacant, with seminaries: Council of Trent, Session 25, chapter 18. Furthermore, during the time of visitation, the Bishop can compel the parishioners to provide what is necessary for the parish priest. Council of Trent, Session 21, chapter 4. He can also erect new parishes, and endow them from the fruits of the tithe, if this is abundant, but without prejudice to the rights of the possessor. Council of Trent, in the same place. He can also unite two parishes, if neither can support its own parish priest; provided that the people are not so far apart that the assistance of a single

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parish priest is not sufficient. Ibid., chapter 3.

[*Latin ed. p. 629*]

CHAPTER IV. ON THE PRIVILEGES OF THE REGULAR CANONICS. Concerning the privileges pertaining to all Regular Canonics in common.

1. Of the exemption from the jurisdiction of Bishops. 72. 75. and 74. Exceptions, especially concerning the celebration of Masses. 75. Declaration of the Sacred Congregation. 78. In which cases may a Bishop obligate Regular Canonics, etc. 77. Whether Regular Canonics are bound by the precepts of Bishops. 78. Whether a Bishop may visit them. 79. Whether he may visit the cloister of nuns. 80. Whether he may request an accounting of the Masses celebrated, etc. 81. In which cases may he proceed criminally, etc. 82. and 83.

II. Of the obligation of tithes. 84. to 87.

III. Concerning foundations. 88. Of monasteries subject to the Bishop. 89.

IV. Of the conservator judge. 90. Of burial. 91. and 92. Of the canonical portion, etc. 93. and 94.

72. — I. Regular Canonics have the privilege of exemption from the jurisdiction of Bishops, for Regular Prelates have in their churches and monasteries a jurisdiction almost episcopal, both with regard to persons and to places, as Salm demonstrates, who discusses more fully all the aforementioned privileges in this matter, but we will only point out here the more principal matters. Salm. tr. 18. c. 3. p. 1. §. 1. n. 3.

73. — Therefore, with regard to the aforementioned exemption, it should be noted first that in cases of doubt concerning any privilege, the decision belongs to the Supreme Pontiff, as declared by Clement IV. and by other Pontiffs. Salm. ibid. n. 6. It should be noted secondly, that Regular Canonics cannot relinquish this privilege, as is evident from chapter "Cum tempore, de arbitris," because this would be to the detriment of the religious order. Therefore, no custom to the contrary can prevail in this matter. Salm. ibid. n. 7.

74. — It should be noted thirdly, that not only the professed and the converted, but also the novices, who come in a favorable condition under the name of religious, and also the tertiaries and the beatified, enjoy this privilege, as stated in n. 8. Also the servants. 13.

[*Latin ed. p. 630*]

Regular canons, who actively serve, reside within the cloister of monasteries, and live under obedience, are, according to the Council of Trent, session 24, chapter 11, exempt from the jurisdiction of Bishops, both concerning censures (according to the bull of Alexander IV, cited by Salmanticensus) and also concerning the Paschal Communion. See Salmanticensus, ibid., note 8, and see book 6, note 240, at the end. Note, fourthly, that

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apostates and fugitives can be apprehended by Bishops; but only so that they may be handed over to their Superiors. The Bishop alone can punish them in the case where their monasteries are located far away, and they, having been warned, refuse to return, according to Trent, session 7, chapter 3. Salmanticensus, cited, note 8. See also other things said on this matter, notes 82 and 85. Note, fifthly, that secular clergy residing in monasteries, if they commit a crime there, do not incur penalties imposed by the Bishop. Salmanticensus, ibid., note 9, and treatise 10, on censures, chapter 1, page 9, number 113 and following, with Layman, Avila, Peyrin, Garzia, and others. This exception does not apply if they violate the ordinances of the Bishop concerning the celebration of Mass, as will be said at the end of the following number 73. Sixthly, many things are noted here in which Regular canons are not exempt from the jurisdiction of Bishops. Firstly, without the permission of the Bishops, Regular canons cannot build monasteries, according to the bull of Urban VIII, dated August 28, 1624. It should be noted that in the bull of Gregory XV, it is forbidden for Bishops to grant this permission if there are not sufficient revenues in the monastery, or at least the election of at least twelve Religious; but this is not understood to apply to hospices, as say Barbieri, Peyrin, and others. Secondly, Regular canons cannot publish books without the permission of the Bishop, as is evident from the Council of Trent, session 4, decree on the publication of books. Salmanticensus, treatise 18, chapter 3, page 1, paragraph 2, notes 10 and 11. Thirdly, the Bishop can compel Religious to return to the novitiate those who do not wish to make their profession, all that which they brought when they entered. See Salmanticensus, ibid., note 15. Fourthly, the dispositions to be made by the novice cannot be made before two months have passed since he professed, (according to the Council of Trent, session 25, chapter 16), without the permission of the Bishop or his vicar. Fifthly, the Bishop has the power to investigate, together with the Superior, the cause of the Religious's nullity of profession. Salmanticensus, cited, note 13, at the end. Sixthly, the Bishop, or someone deputed by him, must examine the will of the virgins, when they enter, or

[*Latin ed. p. 631*]

Monks may profit in monasteries, according to the Council of Trent, Session 25, chapter 7. But this must be accomplished within the space of fifteen days, otherwise they cannot further engage in this matter.

7. The Bishop can prohibit the admission of more nuns than the number that the monastery can support according to its income, even in monasteries that are exempt, as was established in the bull of Saint Pius V. See ibid., number 14.

8. The Bishop can compel monks who permanently reside outside the cloister of the monastery, because of debts contracted by them with poor persons, such as orphans, widows, etc. See ibid., number 13.

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9. The Bishop can require religious to participate in processions; according to the Council of Trent, Session 25, chapter 13, provided that he calls them not by a public edict, but by some personal messenger. See ibid., numbers 16 and 17.

10. The Bishop has jurisdiction over monasteries, in which there cannot be more than 12 religious, as will be said in number 88. Furthermore, the decrees of the Bishops concerning the celebration of Masses are to be observed: for with regard to this, the Council of Trent, Session 22, concerning the observance in the celebration of the Mass, states that the Bishops should act as delegates of the apostolic See, saying: "That not only those things, but whatever other things may seem pertinent here, they, as delegates of the apostolic See, may prohibit, command, etc., and compel the faithful people to observe them inviolably, with censures and other penalties; notwithstanding any privileges, exemptions, or customs whatsoever." Also, it should be noted that in the response of the Sacred Congregation to the Bishop of Nebiens, dated February 7, 1652, it was generally stated: "In those matters in which jurisdiction is granted to the Bishop over the Regular clergy by common law, by the Holy Council of Trent, and by apostolic constitutions, he can also compel them by ecclesiastical censures." And the same was decided on June 4, 1672. Therefore, as Benedict XIV rightly observed in his Synodical Decrees, book 9, chapter 15, number 5, the Bishops can compel all, even the Regular clergy, to observe not only those things that are established by the Council, but also those things that are established by themselves. Therefore, the Most Eminent Cardinal Spinelli, when he was Archbishop of Naples, on Thursday, January 1743, ordered, under penalty of suspension from divine services, even the Regular clergy, not to admit any visiting priest to celebrate in their churches without the permission of the Ordinary.

76. Other things are noted that were declared by the Sacred Congregation in the decree of July 2, 1830. And 1. Regular clergy can receive, 13.

[*Latin ed. p. 632*]

1. Those who are devoted may offer [gifts], but not by begging within the Church.

2. They may not use a cloak or raincoat within the parish outside of the church buildings, nor may they wear a clerical collar; nor may they make processions, unless they have a custom to that effect, as Rodriq. Bordon and Villalobos state. See Salm. tr. 18, chapter 3, page 1, section 2, number 18 and 19.

3. Those called to funerals should go to the church, where the clergy are already assembled; but, as Salm. states with Lezana, there is a custom to the contrary. Salm. tr. 18, page 1, section 2, number 19.

4. It cannot be forbidden to Regular clergy to celebrate Mass in their

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churches before the parish Mass, and to ring the bells, as declared by St. Pius V. in the Constitution *Etsi Mendicantium*, section 2.

5. Regular clergy may not publicly celebrate marriages.

6. They may themselves preach in their churches, during the seasons of Advent and Lent, even if a sermon is being given in the parish. See Salm., cited above, number 19.

7. In three cases, the Bishop may compel the Regular clergy to obey, even by means of censures: first, to restore things that have been altered, as stated, according to the Council of Trent, session 25, canon 16; second, to observe the enclosure, speaking of nuns, Council of Trent, ibid., canon 5; third, to observe everything that has been established by the Bishop regarding the celebration of Masses, as stated in number 75. And concerning this, Benedict XIV, in *De Synodo*, book 9, chapter 15, number 5, refers to two decrees of the Sacred Council, in which it was stated that Bishops, as apostolic delegates, may also compel Religious with censures, and may proceed against them if they allow visiting priests to celebrate in their churches without the Bishop's permission, according to the Council of Trent, session 22, decree on observance in celibacy, where it was prescribed, especially to Bishops: "Let them forbid any wandering or unknown priest to celebrate Mass."

8. Whether, in the other cases mentioned above, the Bishop may compel the Regular clergy with censures; Barbosa, Garzia, and others affirm, but Sanch., Lezana, and Salm., with others, more commonly deny, because of the many papal privileges that pertain to this matter, and they add, with Barbosa, Diana, and Lezana (contrary to others), that the Bishop may not even denounce excommunicated Regular clergy, even for a public offense. Salm., chapter 3, number 4, throughout.

9. It is questioned: Whether Regular clergy are bound by the decrees of provincial or diocesan synods, or by other commands of the Bishop? It is certain that Regular clergy are not bound to attend these synods, unless they are parish priests, as has been said.

[*Latin ed. p. 633*]

From the Council of Trent, session 24, chapter 2, and from several Decrees of the Holy See, concerning the matter at hand, Vasquez, Sanch. Becanus, and others say that they are obligated to observe all things that do not prejudice the observance of the rule; but this is understood only in a directive sense, that is, to conform themselves to the republic of which they are parts, and not in a coercive sense, so that by disobeying they do not incur any penalty, but only in the sense of directing them. Others, however, such as Suarez, Lezana, and the theologians of Salamanca, deny this (provided that it is not necessary to avoid scandal, or that there is no case in which a religious has some office dependent on the Bishop, such as the

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office of parish priest, confessor, or preacher, etc.). And they prove this from chapter 1 of the Decrees on Privileges, where it is said that Regular clergy are exempt from the precepts of the Bishops, except in cases expressly stated in law. They then say that the reasoning of the opponents is valid when the parts are homogeneous, but not when they are heterogeneous, as is the case with religious, who do not have many other particular obligations in the same way as secular clergy.

Furthermore, in both of these cases, they are undoubtedly obligated to obey, as they say in the Council of Trent, session 25, chapter 12, I: concerning the observance of an interdict placed by the Bishop, which is always and is observed by the mother Church. II: Concerning the observance of feasts established by the Bishop. See Salamanca, treatise 18, chapter 3, page 1, section 4, throughout. Besides the ordinances concerning the celebration of Mass, as mentioned above, number 75, near the end. Furthermore, it should be noted that the Bishop can forbid Regular clergy from hearing confessions in their own houses, or cells, according to a decree of the Holy See issued in the year 1617, on September 15, as can be seen in Ferraris. He can also forbid all confessors from hearing the confessions of women, or girls, outside the confessional, under pain of suspension from hearing confessions, according to a decree of the Congregation of December 18, 1694, in the same Ferraris, 79.

Question 2: Can Bishops visit the persons and monasteries of Regular clergy? Generally speaking, it is certain from chapter "Nulli," question 1, and from the Council of Trent, session 25, chapter 8, that Regular clergy are exempt from the visitation of the Bishop, both in person and in their monasteries, and in the churches of Regular clergy (provided that there are twelve religious living there. See number 88). And according to several declarations of the Sacred Congregation, also the parish churches of secular clergy, which are subject to Regular clergy, and where the parish priest is a religious; who, if he should fail even in his office,

[*Latin ed. p. 634*]

He could not be punished by the Bishop. But notwithstanding this, except for the bull of Gregory XV, *Inscrutabili*, by Benedict XIV, it was declared and defined in the bull *Cum nuper*, in the year 1751, that such subjects are under the Bishop in those matters which pertain to the exercise of the care of souls, or even to their life and morals. But more fully, the same Benedict XIV speaks of this matter in a certain special bull, *Firmandis*, issued on November 6, 1744, where he established more things: 1. That parish priests who are regulars are in all respects subject to the jurisdiction, and correction, and visitation of the Bishop, in those things which concern the care of souls, and their own morals. 2. As for the local visitation, they can visit the altar, in which the Sacrament of the Holy Eucharist is reserved, the sacred tabernacle, the baptismal font, the confessional, in which the

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parish priest resides, the pulpit, from which the parish priest preaches, the sacristy for inspecting the sacred vestments, the burial place of the parishioners, and their cemetery, the bell tower, if there are parish bells there, all the sacred vessels. 3. As for the personal examination, they must scrutinize the life and morals of the pastor, as far as those things are concerned which they have manifested outside the cloister; also, they must examine whether he legitimately holds the title to that office, whether he resides there, whether he has been called to the synod, whether he frequently holds conferences of conscience, whether he fulfills the duties of the office, whether he applies the Mass for the people, whether he has preached on feast days, etc.; whether he is available to hear confessions, whether he has given assistance to the sick, whether he has instructed the children before Confirmation and Communion, whether he has inquired about impediments to marriage, and whether the betrothed have been instructed in matters of faith, and whether he has properly ordered the parish books. 4. That although the superiors of the regulars cannot appoint anyone to the care of souls without the approval of the Bishop, they can nevertheless remove him, without his knowledge, and likewise the Bishop can deprive him of the office without the consent of the superior, if there is a just cause for it, etc. He can also visit churches which are annexed to, and subject to, monasteries, if the administration is in the hands of secular priests, as the Holy See has declared several times in the writings of Bellarmine and Barbosa. Except, if they are incorporated into the monasteries, or if they belong to no diocese. Furthermore, the Bishops can visit confraternities of seculars founded in monasteries, but only with regard to the administration of goods, and not with regard to the altars, as is stated in the Council of Trent, session 25, chapter 20, and in several decrees of the Sacred Congregation.

[*Latin ed. p. 635*]

Furthermore, those [monasteries] are subject to [the authority of] a Religious [superior] by the privilege of Gregory XIII, to whom no contrary custom can be an obstacle. Salm. tr. 18, chapter 5, page 1, paragraph 5, numbers 51 to 56, 80.

Question 3: Can Bishops visit the cloisters of exempt nuns? Salm. denies this, in the aforementioned passage, number 58, citing Nav. Sanch., Bonac., Peliz., etc., from chapter *Periculoso*, concerning the state of nuns, in 6, where the care of the cloisters of exempt nuns is manifestly granted to regular superiors. Nor does the Tridentine Council, session 25, chapter 5, object (as they claim), from which the proponents of the opposing opinion argue that Bishops are apostolic delegates with regard to the cloister of exempt nuns, since it is stated there that they should take care to restore or preserve the cloister in all monasteries subject to them in the ordinary manner, and in others by the authority of the Apostolic See. However, they respond that,

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under "in others," they do not understand monasteries subject to regular canons, but rather those subject immediately to the Pope, which they assert was declared by Pius V in his bull *Circa pastoralis*; moreover, because the Council in the aforementioned passage renews, and does not revoke, the cited text from *Periculoso*. Despite these objections, the opposing opinion must be accepted, along with Barbosa, Gavanto, Lezana, etc.; because, although the Tridentine Council may not object, nevertheless the bull of Gregory XV, *Inscrutabilis*, of the year 1622, does object, in which it is stated:

1. That regular canons may not appoint another to hear the confessions of the nuns, except for one who has been approved by the Ordinary (and it should be noted that, furthermore, Benedict XIV, in his bull *Pastoralis* on August 5, 1748, confirms the bull *Apostolici ministerii* of Benedict XIII; that is to say, that if the regular superior neglects to assign at least once a year an extraordinary confessor, or a secular [priest], or one of another order, as the Pope commands, the Bishop of the diocese may assign one).

2. Gregory XV decreed that the administrators of the monasteries of these nuns must render an account to the Bishop regarding the administration of goods.

3. That the Bishop may remove the confessor, or another administrator of the monastery, if the superior, after being warned, does not remove him.

4. That the Bishop may preside over the election of the Abbess.

And fifthly, it was specifically stipulated that the Bishop may correct and punish, as a delegate of the Apostolic See, all those who admit anything contrary to the cloister of exempt nuns.

It is pleasing.

[*Latin ed. p. 636*]

Here, it is necessary to note the words of the bull: "Both secular and regular clergy cannot claim any privileges that would prevent them, if they should commit offenses against those living within the enclosure, or against the enclosure of nuns, even those subject to religious orders, from being punished and corrected by the Bishop, as if delegated to do so by the Apostolic See." See Barbosdan on the power of Bishops, allocation 102, number 7, and Salm, treatise 18, chapter 3, page 1, paragraph 5, numbers 57 to 59. And there, Barbosa cites a decree of the Sacred Congregation, in which it is established that Bishops cannot in any way be prevented from visiting exempt monasteries, and those subject to religious orders with regard to the observance of enclosure, and that anyone who attempts to obstruct this, after a third warning, incurs excommunication by the very act, as stated in Clementine [decrees]. See de Alex., on monasteries, chapter 6, number 4, question 3. Furthermore, it should be noted here that Clement X and Clement XII ordered that the bull of Gregory XV should be observed,

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notwithstanding any contrary custom. 81. — Question 4: Whether Bishops can demand an accounting from religious orders regarding inheritances left with the obligation of masses, or for the fulfillment of bequests to secular individuals? It seems that they can, based on what is stated in the Council of Trent, session 22, chapter 8, where power is granted to Bishops to visit all pious bequests, notwithstanding any privilege to the contrary. And Salm states that, based on this, the opinion in question could be considered probable. But he then denies this, due to the many privileges granted to religious orders, especially by Pius V, in which it is declared that the goods of religious are exempt from any episcopal jurisdiction, notwithstanding any apostolic constitutions and canons. Salm, treatise 18, chapter 3, page 1, paragraph 5, numbers 40 to 42. 82. — Question 5: Whether a Bishop can proceed criminally against religious orders in any case? It has been stated that religious are exempt from the jurisdiction of Bishops, except in cases expressly provided by law. Besides what pertains to the celebration of masses and the enclosure of nuns; in two other cases, Bishops can proceed against them, according to the Council of Trent: 1. If a religious commits a crime by living outside the monastery, Council of Trent, session 6, chapter 3. But this is understood with respect to those who permanently reside outside the monastery, and not with regard to that religious who remains outside for the purpose of hearing confessions or preaching.

[*Latin ed. p. 637*]

Either for a temporary business, or he resided in the village of Kosso, or another place dependent on the monastery for religious matters. But here arises a doubt: whether the Bishop can punish the one who dwells in another place for a long time with the permission of his superior? Some affirm, such as Tamburin, Barb, Lez, etc., supported by numerous declarations of the Sacred Congregation. Others, such as Salm, with Sanch, Silvestr, Peyrino, Bordono, etc., deny this, based on Chapter Ex Rescripto, de jurejur, where it is stated that he who remains outside the monastery with the permission of his superior is considered to remain within the monastery. Therefore, they argue that both the Council and the aforementioned declarations are understood to apply to those who dwell outside the monastery without permission, or in a place so remote from their superior that they cannot be punished except after a very long time. Salm, ibid., § 6, nos. 46 to 48, 85.

The second case is when a religious, even residing in the monastery, commits a fault outside of it, causing public scandal to the people, and the superior does not punish him. Trid. sess. 25, c. 14. And because some superiors were sending such offenders outside the diocese, so that they would be exempt from punishment, Clement VIII, in the year 1596, in the bull Suscepti oneris, decreed that in such a case, at the request of the Bishop,

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the superior must recall the offender within the time prescribed by the Bishop and punish him; otherwise, the Bishop of the place where he was sent may punish him. Salm, tract. 18, c. 5, p. 1, § 6, nos. 46 to 48. Furthermore, Salm and others note: 1. that this decree of the Council should apply when the offense is notorious, even by its public nature. 2. that it does not apply against superiors who are not included under the name of regulars, as the Council states. 3. that the Bishop cannot proceed unless he has repeatedly warned the superior to punish the offender, and the superior has neglected to do so. However, if the Bishop apprehends the offender in the act of committing the offense, he may seize him (as has been said), but he must immediately hand him over to the superior; and if the crime was of great scandal, he may even detain him in prison, so that he is handed over within at least 25 hours. The superior must then provide the Bishop with sufficient evidence of the punishment that has been carried out. The Bishop, although he may obtain a summary account of the matter, in order to transfer it to the superior, cannot nevertheless conduct a legal investigation.

[*Latin ed. p. 638*]

The process should proceed against the accused; but if, perchance, he should appeal, it is probable that he can be overruled, so that the proceedings may continue in his religious order, as Salm. and others state, book 1, chapter 50 and 51, 84.

II. Regulars possess the privilege of exemption from the payment of tithes. Taking this opportunity, certain matters concerning tithes are appropriately noted in this place. Tithes are said to be that portion of the fruits, or of the labors of individuals, which is to be paid by the faithful to the ministers of the Church for their support. Truly, tithes are due by natural divine law; but as to the quantity, that is, the tenth part, they are by ecclesiastical law, since the ancient divine law, as a judicial one, has ceased. Hence, it follows that 1. The Pope can exempt any person from the burden of tithes; the Pope, I say, not Bishops: the latter can, by themselves, apply the tithes of one place to another, and unite, and separate benefices, according to the Council of Trent, session 24, chapters 5 and 7. See Salm., book 18, chapter 3, page 2, paragraph 1, numbers 52 and 54. It follows, 2. That custom can legitimately exempt some from paying tithes, provided that what remains is sufficient for the proper support of the clergy; but such a custom must have a prescription of forty uninterrupted years, although from the beginning neither a title nor good faith may have been present: for prescription (taking the word as it sounds, namely, prescription, not as custom) requires good faith and forty years with a title; without a title, an indefinite period is required. For future tithes, a composition can be made; but only by the Pope, not by a Bishop; unless it is made between one Church and another. It is said "for future" because

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he to whom they are due can also remit past tithes. Salm., book 18, chapter 3, page 2, paragraph 1, numbers 55, 85.

Formerly, as has been said, tithes were due both from the fruits of goods, and from the labors of persons. But according to the almost universal present custom, they are paid only from the fruits of both real and movable property, according to chapter "It is not" concerning tithes. And they are due from the entire fruits, without deduction of expenses, and burdens of contributions, as St. Thomas says, 2-2, question 87, article 2, ad 4, and others commonly from chapter "It is not" concerning tithes. Salm., ibid., numbers 57 and 58, 86.

Furthermore, tithes must be paid by all the faithful, even by princes, but not by the poor: all, however, except those who are in extreme necessity, but only in grave necessity.

[*Latin ed. p. 639*]

If they were to come into a better financial situation, they are obligated to pay the past tithes, as Suar. Laym. Castr. and others say, with Salm. ibid. n. 59. Regarding the common right, both clerics and religious, and even parish priests, are obligated to pay tithes on their patrimonial goods, even if they have been assigned to the office of ordination, but not on the goods of benefices, as taught by D. Th. l. c. a. 4 in corp. and ad 1. ex c. Si quis laicus 16. qu. 1. As for those who fail to pay tithes, this is what the Council of Trent decreed in session 25, chapter 12: "Those who withhold or impede the payment of tithes are to be excommunicated, and they shall not be absolved from this crime unless restitution is made." See Salm. ibid. n. 60 to 62, 87. But whatever may be the case regarding ancient law, today, due to many pontifical privileges, all religious, even monks, of whatever order (and also the Knights of Jerusalem) are exempt from tithes, not only on personal property, but also on landed estates, both those owned directly (even if cultivated by tenants) and those held under lease, such as those held under emphyteusis. See Salm. tr. 18, chapter 3, p. 2, § 3, n. 72 to 79. It should be noted, however, that if goods that are already subject to tithes pass into the ownership of a religious order, they remain subject to the same obligation, according to numerous decrees of the Holy See and the Rota, as found in Pignat. vol. 1, Cons. 355, and vol. 8, Cons. n. 9, 88.

III. Formerly, it was forbidden for religious orders to build new monasteries, or to abandon those that had been built, without the express permission of the Supreme Pontiff, as stated in Cap. 1, de excess. prælat. in 6, from cap. un. de Relig. Dom. in 6. Over time, they obtained various privileges; but all of these were limited in the year 1624 by Urban VIII in the bull *Romanus Pontifex*, in which it was decreed that new monasteries could not be accepted unless the form prescribed by the Council of Trent and the bull of Clement VIII, *Quoniam ad institutum*, were observed. Therefore, today, three things are required to found a new monastery: 1. The permis-

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sion of the Bishop. Whether the permission of the Pope is also required is affirmed by some, such as Barb. Tamb. Pelliz., based on a declaration of the Holy See, while others deny it, such as Salm. with Lez. Suar. Rodr. and others. 2. There must be the consent of those whose interests are involved, and especially of all existing monasteries within a distance of four Roman miles; otherwise, the Bishop cannot grant said permission, unless those involved are acting unjustly. Salm. l. c. p. 4, n. 124 to 131. However, the Carmelites have the privilege that no other order can be founded where they already have a monastery within a distance of 560 Florentine ells.

[*Latin ed. p. 640*]

Concerning the founding of monasteries for men; and those smaller than 1200 paces, etc. In contrast, the Minor Observants, and the Jesuits, have the privilege of founding monasteries even in places not far removed, within the aforementioned space of 360 paces. And in all these privileges, the right of communion is granted. However, the aforementioned measurements of paces, according to custom, are not understood to apply to monasteries that are founded in cities. See Salm. tr. 18, chapter 3, page 4, § 2, number 157, ad 140, 3. It is required that a new monastery be able to sustain twelve religious with its revenues or alms; however, it is sufficient that there be, within a reasonable time, a probable hope of such adequate support. If a monastery (meaning monasteries founded after the aforementioned bull of Urban VIII, issued in the year 1624) were not able to support twelve religious, who were truly residing there, it was decreed by the Sacred Congregation in several decrees, confirmed by Gregory XV and Urban VIII, that such a monastery would be entirely subject to the Bishop, in these words: "Monasteries erected without [the Bishop's] knowledge are to be subject to the visitation, correction, and all manner of jurisdiction of the Ordinary of the place, even if twelve religious are able to reside and actually reside there." Salm. ibid., § 1, numbers 129 and 150. The same conditions are required for founding monasteries for women. And it should be noted here that, according to the Council of Trent and the Sacred Congregation, monasteries for women are not to be founded outside of a town. Ibid., numbers 154, 89. The aforementioned conditions are not required for founding religious houses, as noted by Peyrinus, Tamb., etc., at least (as Lexana limits it), if they do not receive Mass there, and do not have a church. Salm. ibid., number 132. Nor are they required in the case of the relocation of monasteries, which can be founded (as Salm. with Navar, Barbos, Peyrino, Lexana, etc., prove) without the consent of the Pope, the Bishop, or other monasteries, provided that the relocation does not cause them any prejudice: for they say that they previously had such a privilege granted by several Popes, and that it is limited only to new foundations, such as those that are not called relocations of monasteries from one location to another within the same territory (as is understood), or near it, abandoning the

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old monastery. And in such a case, the religious retain all the goods and rights of the abandoned monastery. Salm. ibid., § 3, numbers 141 to 143. Furthermore, the religious, by concession,

[*Latin ed. p. 641*]

Urban VIII and Innocent VIII, when revenues were lacking, and the alms of one monastery were insufficient, could unite and incorporate one monastery with another. Salm. ibid. §. 5. n. 150. Furthermore, they can, at their discretion, return to abandoned monasteries, provided that this does not bring about any new detriment to other monasteries. Salm. tr. 18. c. 5. p. 4. §. 4. n. 148. Moreover, superiors of religious orders can, by concession of Sixtus IV and Urban VIII, suppress miserable monasteries, transferring their assets to larger monasteries. It should be noted here that monasteries granted by universities, when abandoned, must revert to the hands of the Ordinary; but if they were built with their own revenues and alms, they remain in the domain of the religious, so that they can freely dispose of them. Salm. ibid. n. 147, 90. — IV. Regular clergy have the privilege of choosing a judge and conservator, who will judge all causes in which the religious are involved, and also in which they are plaintiffs, but only when they are plaintiffs because of injuries and manifest violence inflicted upon them. See Salm. tract. 18. cap. 3. n. 152 to 178. 91. — V. Regular clergy have the privilege of admitting all those who wish to be buried in their churches. We note here certain important matters concerning burial, which are discussed more fully by Salm. ibid. punct. 6. n. 179. Anyone who has reached the age of puberty may choose their burial place, even bishops; unless they choose it themselves, they must be buried in the cathedral. Salm. ib. n. 186. However, religious are to be buried in the monastery, even if they die outside of it, provided that the place is not too far away. Novices may choose to be buried outside the monastery; if they do not do so, they must be buried in it, even if they die while residing in another house with the permission of their superior. Salm. ibid. num. 187. The same applies to those who are commensals and servants, who actively serve and reside in the monastery under the obedience of the superior. These individuals may receive all the sacraments from the religious, except for baptism and marriage. Salm. ibid. n. 188. Clerics and religious incur very serious penalties if they induce others to promise, by oath, vow, or given faith, that they will choose burial in their own church. Salm. ibid. num. 191. Those who die impenitent are deprived of burial, and...

[*Latin ed. p. 642*]

Those for whom it is publicly known that they were not confessed in the year, nor did they communicate during the Paschal season, and likewise, heretics, excommunicated persons, who brought death upon themselves out of anger, if afterwards they do not give signs of penance, as is stated

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in the Roman Ritual: "Public sinners of any sin whatsoever, and those who die in the act of committing a crime (as from c. Fures, concerning theft), without giving any sign of penance; for then they are presumed to have died in sin," as the Doctors commonly say, along with the Ritual, whatever Lezana and Sancius may say, Salm. tr. 18, c. 5, p. 6, § 2, n. 199. He who buries such a person commits a mortal sin: and he who buries a heretic, or a supporter of heretics, or one publicly excommunicated, or an usurer, also incurs excommunication; and such deceased persons, if it can be done, ought to be removed from the grave. Moreover, no one ought to be deprived of burial in any case without the sentence of the Bishop, or of a superior, if the corpse is that of a religious person. Salm. ibid. n. 202 and 204, 92.

But let us return to the matter at hand, namely, to the rules. Several things are to be noted: 1. Any cleric, secular or regular, can choose to be buried in the church of the regulars. And if someone had the burial of his ancestors in that church, and had not chosen another church, the regulars can bury him there. Salm. ibid. § 5, n. 203. 2. Parish priests who demand more from those buried in association with the church of the regulars than they would demand when burying a deceased person in the parish, in order to deter the faithful from choosing another burial place, incur a papal excommunication, as stated in the bull of Clement VIII, apud Salm.; and although the bull was issued for the parish priests of India, Lez., Peyr., and Salm. ibid. n. 206, along with others, understand that it was issued universally for all. 3. When a deceased person is to be buried in the church of the regulars, they ought to call for and attend the parish priest; but if he refuses to come, or delays too long, they can themselves take the corpse and carry it into their church. Thus, commonly say Barb., Lez., Peyrinus, and others with Salm., from several decrees of the Holy See. Salm. ibid. n. 208 and 209. The office over the corpse is to be celebrated not by the parish priest or canons, but by the regulars themselves. Nor can the parish priest perform that act in their church, nor can he compel the heirs to celebrate Masses, or to give their portion in the parish, as stated in several decrees of the Holy See. The same is to be observed also for the monasteries of exempt nuns. Salm. tr. 18, c. 5, p. 6, § 5, n. 212.

[*Latin ed. p. 643*]

213. It must be noted, however, that laypersons cannot be buried in monasteries without the permission of the Sacred Congregation, provided that someone does not have the right of burial in that place. See book 5, numbers 62 and 93.

It is questioned whether the regular clergy are obligated to pay the canonical portion to the Ordinary, or to the parish priest. There is a canonical portion due to the bishop, which is that which is owed to the bishops for all donations made on account of death, and for legacies left to churches or pious places within their diocese, as stated in Clementine

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documents concerning burials. This portion was sometimes a third, and sometimes a fourth part; and Innocent III, in the chapter "Requisitis" of the decrees on testaments, established that the custom should be observed with regard to the amount. Salm. ibid., § 4, number 216. There is also a parochial portion, which is properly called the "fourth of the funeral," and is that portion which is due to the parish priest from funerals, pious legacies, and all that comes to the church in which the deceased is to be buried. And this also was different, but with regard to it, custom must also be observed. Salm. ibid., number 218.

94. But with regard to the regular clergy, their monasteries, both of men and of women, are exempt from paying the episcopal portion, according to the Extravagant "Inter cunctas," § "Quibuscumque," concerning privileges, and according to other privileges found in Salm. ibid., number 217. However, with regard to the "fourth of the funeral," formerly, by common law, the regular clergy were obligated to pay it, but today, considering their privileges, and the decrees of the Council of Trent, session 25, canon 15, and the bull of Pius V, "Etsi mendicantium" of the year 1567, they are obligated to pay it only for those monasteries which, for more than 40 years before the Council was confirmed, were accustomed to pay it; thus, Salm. states, in agreement with common opinion, and with numerous decrees of the Holy See, based on many pontifical privileges, and especially those of Sixtus IV, who imposed a penalty of excommunication and deprivation of benefices on parish priests who wished to demand the aforementioned "fourth." See Salm. ibid., numbers 218 to 228. However, those monasteries are excepted which paid the aforementioned "fourth" either by a contract entered into, or by an ancient custom. Salm., book 18, chapter 3, page 6, § 6, numbers 229 to 253.

[*Latin ed. p. 644*]

CHAPTER V. Concerning the privileges of religious in particular. I. Concerning the faculty of absolving subjects from sins and censures. 95, 96, and 97. Concerning the reservation of cases, etc. 98. Concerning faculties with regard to seculars. 99. Whether religious can absolve from sins reserved by law, or custom, to the Bishop. 100. Whether from papal reservations. 101. Whether during a journey, or by a *bulla* of the Holy Cross, etc. 102. Whether confessors among the religious can be examined by the Bishop. 103. II. Concerning dispensation in irregularities. 104 and 103. III. Concerning dispensation in ecclesiastical precepts, etc. 106. IV. Concerning the Divine Office. 107. V. Concerning dispensation from vows and oaths. 108. Concerning the vow of chastity of married couples and betrothed. 109. VI. Concerning the privilege of religious, novices, and servants of confiding in any priest, etc. 110. Concerning religious who are traveling. 111. Whether during a Jubilee, etc. 112. VII. Concerning the reception into orders. 113 to 116. Concerning the conferring of orders. 117 to 120. Concerning the

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celebration of Masses. 121 and 122. Concerning the administration of Holy Communion. 123. Concerning preaching. 124 to 128. 95. — I. With regard to the faculty which superiors among the religious have concerning the absolution from reserved sins and censures, it is necessary here to distinguish between the power they have with regard to their subjects, and that which they have with regard to seculars. Under the name of superiors among the religious are included not only generals and provincials, and their vicars who are substituted in their place, but also all local superiors, such as priors, guardians, rectors, and even their vicars, when they are absent, at least for the entire day. Thus, generally, the Doctors write. See Salm. *Tractatus*, 18, chapter 4, page 1, § 1, number 1, from the chapter of the Abbot, concerning privileges, in 6. All these can absolve their subjects first from all sins and censures not reserved to the Pope, even if they had been excommunicated by a person through a special sentence, as Salm. writes with Lezana, Candido, Pellizz., etc., from the privileges of Paul V, Sixtus IV, and Eugene IV. Salm., ibid., number 2. And that which applies to those who have made solemn vows, is also valid for novices, so that they also can be absolved by their superiors.

[*Latin ed. p. 645*]

Regular bishops, to whom cases reserved to them are assigned, incur these penalties not only after entrance, but also before, as Salm. with Bonac., Pelliz., etc., and P. Mazzotta with Sanchez, Tamb., etc., state. Salm., *Tractatus*, 15, chapter 5, page 6, note 85 and following; and Mazzotta, volume 5, on reserved cases, chapter 2, question 5. And Salm., Mazzotta with Peyrino, and Tambur state that those who are about to be received, namely, "if they remain in probation in the monastery, so that they may receive the habit," as is stated in the bull of Clement VII, cited by Candido, Rodriq., and Salm., *Tractatus*, on censures, chapter 2, page 6, note 80. In this bull, it was granted to regular provincials, and their vicars, or other designated persons, to absolve novices of the order from all reserved cases incurred before entrance, and from the censures attached to them (except those mentioned in the bull *Cæna*).

Someone might object to this with the decree of Urban VIII, cited in book 7, note 95, in which it was established that, by confirmation of privileges obtained by regulars after Trent, the same privileges were not understood to be granted again to them, so that they were not absolved from reserved cases by the Ordinary, either by the Council or by the Holy See. Salm. responds to this objection in the aforementioned place; but, as we said, his responses do not persuade, note 103. A more appropriate response seems to be that the decree of Urban speaks of seculars, as also stated in proposition 12, condemned by Alexander VII; but not of novices, who are commonly considered by the Doctors to be in a favorable state as religious; as Sanchez, Suar., Castrop., Lezana, with the same Salm., *Tractatus*, 15,

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chapter 5, page 6, note 85, and others state. Moreover, Clement VIII declared this in the *Diana*, part 3, treatise 2, response 75, citing the privilege granted to the Jesuits (which, by extension, is extended to all religious orders), by which they can communicate to novices all the privileges of the Society. However, Bonac., Pelliz., and Salm., *Tractatus*, 15, chapter 5, page 6, note 87, except the case in which a judgment had already been begun by the bishop against the novice, before he entered; because then, they say, the bishop could extract him, and punish him. What has been said about novices, the same is said by P. Mazzotta in the aforementioned place, with Peyrino, about the members of monasteries: provided that they are there as if they were family, and continuous companions, as stated in the bull *Superna* of Clement X, 96.

Secondly, superiors can absolve their professed members, and novices, even as stated above in book 6, note 595, v. The same, in conclusion, from all papal cases.

[*Latin ed. p. 646*]

In secret, Bishops, in the same manner, are empowered to absolve their subjects, as stated in chapter "Liceat." And this is derived from the privilege of Pius V, recounted at length by Salm and P. Concina, and confirmed by Benedict XIII in the bull "Pretiosus" in the year 1727, in which it was granted to the regular clergy the power to absolve even from cases reserved by the Bull of Celibacy, except for relapse into heresy, falsification of apostolic letters, and the transfer of prohibited things to non-believers. And it should be noted here that in said bull, the general power to dispense from irregularity due to homicide committed by subjects was also granted to the Dominicans, provided that no promise had been given and it occurred within the confines of the monastery. But this was revoked by Clement XII. See the aforementioned book, 7, numbers 101 and 97.

Regular clergy can, in the third place, absolve their subjects from excommunication for striking, even a serious, enormous, and public one, inflicted not only on religious of the same order, but also on those of another order, and even on secular clergy. Castr. Roncagl. Salm. and Croix, from the privileges of Boniface IV and Clement VIII. And it should be noted here that if the striking is slight or secret, the religious who struck (if he wishes) can request absolution even from a Bishop, but with the permission of his superior. Book 7, number 107. The term "subjects" is used because secular individuals cannot be absolved, as this case is limited to regular clergy within Italy and outside of Rome by Clement, as will be stated shortly in numbers 99 and 98.

It should also be noted here that, by the concession of Clement VIII, superiors of regular orders can, if they deem it expedient, reserve eleven cases, but no more without the consent of the general chapter, or at least the provincial chapter for the province. If, however, the superior denies

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permission, and whether, for the first time, religious can be absolved from reserved cases. See book 6, number 586.

As for secular individuals, formerly the Mendicant orders enjoyed the privilege of being able to absolve secular individuals from all reserved cases and censures, both by the Pope and by Bishops. But then, by the decree of Clement VIII in the year 1602, confirmed by Paul V in the year 1617 and by Urban VIII in the year 1627, this aforementioned power was limited, and it was established that regular clergy existing outside of Rome and within Italy could not absolve secular individuals, neither from cases reserved by the Bull of Celibacy, nor from the other six following: namely, 1. For striking a cleric. 2. For a duel. 5.

[*Latin ed. p. 647*]

6. A violation of the immunity. 7. A violation of the enclosure of monasteries of nuns for an improper purpose. 8. From secret simony in benefices; and finally, from all cases reserved to the Bishops. Therefore, both from the aforementioned decree of Clement VIII, and also from the bull of Gregory XII, and especially from proposition 12, condemned by Alexander VII, which stated: "Mendicants can absolve from cases reserved to the Bishops, not having obtained this power from the Bishops; today, it is not doubtful (whatever some may say) that secular priests cannot absolve from cases reserved by the Bishops." See book 6, number 599, verse. It is certain, and book 7, number 95. Thus, neither can secular priests absolve from the six cases of Clement: even if they are hidden, contrary to P. Viva; for the power that the religious have from the bull of St. Pius V, mentioned in number 96, by which they can absolve hidden cases, is only with respect to their own religious, and not with respect to seculars. However, we judge, along with Viva, Comitolo, and others, to whom P. Concina also adheres, that the religious can absolve from cases that the Bishop has reserved for himself in the Synod, but has not expressly listed in the table; because then it is presumed that he intended to grant the power to absolve all confessors, provided they are approved by him. See book 7, numbers 100 and 400.

Doubt 1. Whether religious can absolve seculars from cases not reserved to them by the Bishops, but which are reserved to the Bishops by law, or by custom, such as abortion of a living fetus, and others noted in number 46? Viva, Bord., Cabass., Milante, and others deny this, because (as they say) in the decree of Paul V and Urban VIII, it is forbidden for religious to absolve laymen from cases reserved to the Bishops: "From the same cases, the Ordinaries reserve," according to Urban. No less probable, affirm Conc. La Croix, Sporer, Salm., Lezana, Sanch., and many others, to whom even (having retracted) P. Viva adheres in his Moral Theology. The reason is, because the cited words of the decree of Urban (and the same of the decree of Paul V) are to be understood of cases that the Bishops reserve for themselves: since such decrees, as we said in the preceding number,

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are confirmatory of the decree of Clement VIII, in which mention is made only of cases that are reserved to them by the Bishops: and not of cases (this says Clement) that the Ordinaries reserve, or will reserve in the future. Moreover,

[*Latin ed. p. 648*]

As P. Suarez states, the cases reserved to Bishops in law ought rather to be called delegated to Bishops, than reserved. But it must be noted that this does not apply to the absolution of clerics, nor to all other cases which the Ordinary might reserve for himself; for with regard to these, all power has been removed from the regular clergy, as stated in the preceding section. See book 7, sections 99 and 101. — Objection 2: Do the regular clergy have the power to absolve seculars from papal cases? Some, namely Viva with Bordone, and Florino, deny this, based on the same decrees of Paul V and Urban VIII, by which it was also forbidden for the regular clergy to absolve from cases reserved to the Apostolic See. However, it is commonly and more probably affirmed by Bonac. Aversa, Salm. Pelliz. Rodriq. Potesta, Peyrinus, and even Viva himself in his Moral Theology (although he states this only with regard to hidden papal cases), based on the privilege granted by Paul III in the year 1545 to the Jesuits, in which it was stated that they could absolve seculars from all sins, even those reserved to the Apostolic See, except those contained in the Bulla Cœna. Moreover, the aforementioned decrees of Paul V and Urban VIII do not stand in the way, because (as stated in the preceding section), they are understood to refer to the cases of Clement VIII (which the aforementioned Popes wished to confirm), in which only the cases contained in the Bulla Cœna, and six others, were excepted. It must be noted that this power is valid only with regard to the internal forum (sections 96 and 97). Furthermore, it should be observed what was stated in section 51, concerning abbots who have a quasi-episcopal jurisdiction. 102. — It should be noted here that, formerly, regular confessors, by concession of Gregory XIII and Eugene IV, could receive confessions, not only from their own subjects in Dices, where they were approved, but from all others. By the Bulla Cruciata, when they were approved in one place, they were approved for all places. Thus, in Salm., volume 18, chapter 4, page 2, paragraph 4, sections 71 and 72. However, Innocent X subsequently decreed that the regular clergy could not receive confessions anywhere without the license of the local Ordinary, even if they had the privilege of Cruciata, as declared by Innocent XII in the Bulla Cum Sicut, in the year 1700. See book 6, sections 548 and 549. 103. — It must also be noted that, formerly, according to Clement's decree Dudum, concerning burials, regular clergy who had been absolutely approved by the Ordinary once could not be obliged to again examine [those who had confessed to

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them].

[*Latin ed. p. 649*]

Furthermore, Saint Pius V, in the *Extravagantes* of the Roman Pontiffs, stated that a Bishop, mindful of his own greater peace of conscience, could again examine those [religious] for whom he is the successor. But after Gregory XIII, in his bull *In tanta negotiorum*, etc. (mentioned by Navarro at the end of his *Manual*), in order to remove the disputes that arose concerning the religious, he revoked all the declarations of Saint Pius, and especially this one concerning the approval of the confessors of the religious; he revoked, I say, to the previous state, as determined by the Council of Trent, session 25, chapter 15, which, with regard to the religious, decreed nothing other than that they should be approved by the Ordinary. Hence, many Doctors, such as Aravius, Dicastillus, Villalobos, Delbene, etc., among themselves, in Salm, ibid., § 5, no. 119, infer that a successor Bishop cannot again examine religious who have already been approved by some Bishop. However, the contrary is maintained by Diana, p. 5, treatise 2, response 27, and by Lez, Boss, Bordonus, and many others, from the decree of the Sacred Congregation (mentioned by Lez and Diana), in which it was declared that, notwithstanding the bull of Gregory XIII, a successor Bishop could examine those who had been approved by his predecessor, and Diana and Salm themselves testify that this is the current practice of Bishops. However, Salm, in treatise 18, chapter 4, p. 2, § 5, no. 120, with Villalobos, states that, both from the constitution of Saint Pius and from the declaration of the Sacred Congregation, the successor Ordinary can again call to examination some, or certain, religious, of whom he has knowledge that they are not suitable, but he cannot, by a general edict, suspend all religious confessors, until they have been examined again. Moreover, it should be noted that when the Ordinary generally revokes all licenses, this does not include religious, who are not included in things that are odious, unless they are expressly mentioned. Salm, ibid., no. 115, at the end, with others. It should also be noted that a capitular vicar, when the See is vacant, cannot call religious to examination, by virtue of a privilege granted by Clement IV. See Salm, ibid., no. 116, and Diana, p. 5, treatise 2, response 27. Furthermore, it should be noted that the above applies to approvals that have been granted absolutely, and not to those granted for a time, e.g., for six months, as is often the case; since it is certain from the bull of Innocent XIII, *Apostolici ministerii*, confirmed by Benedict XIII, that both secular and religious confessors are not permitted to hear confessions outside of the place, persons, and time prescribed, by whatever privilege to the contrary.

[*Latin ed. p. 650*]

104. — II. Concerning the power of religious to grant dispensations in

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cases of irregularity: Religious are, by virtue of the privilege of Saint Pius V, number 97, confirmed by Julius II, able to grant dispensations to their subjects in all hidden irregularities, in which Ordinary pastors can grant dispensations to their diocesans, as stated in chapter "It is permitted," number 29. And they can do the same with secular clergy, as Suarez, Sanchez, Pelliz, Sayrus, Salm, Sporer, Lezana, and others state, based on the concessions of Sixtus IV and the aforementioned Julius II. See book 7, numbers 535 and 405. — Furthermore, religious can grant dispensations to their subjects in any irregularity, either due to a fault or a defect, by virtue of the privilege of Martin V. See book 7, number 535. Therefore, to proceed to specific cases, superiors can grant dispensations to their subjects: 1. In cases of irregularity due to homicide, not only hidden, as granted in the privilege of Martin V, but also notorious, as stated in number 96, by virtue of the privilege of Benedict XIII, provided that the act was not committed with due deliberation and was consummated within the cloister. 2. Regarding defects of the soul, they can grant dispensations to a religious to receive the priesthood, even if that person had previously suffered from permanent dementia, if, subsequently, according to the judgment of physicians, the danger has ceased. See book 7, number 400, end. 5. Regarding defects of the body, such as the absence of a foot or an eye, even if it is a significant defect, they can grant dispensations, as Salm proves in book 10, on ecclesiastical censures, chapter 9, page 6, number 75, with Bordon, based on the privilege of Sixtus IV. And in cases of doubt, they can also declare that the defect does not impede [entrance], as Ordinary pastors can do with their subjects. See book 7, number 414, end. 4. Regarding defects of birth, this irregularity ceases by profession of religious vows, insofar as it pertains to the acceptance into the order, as is stated in canon 1 of the decrees concerning presbyters, for concerning dignities, a dispensation is necessary. But, by means of various privileges, all superiors, whether general, provincial, or even priors, can grant dispensations to their subjects in all the aforementioned cases. See book 7, numbers 554 and 426. See also Salm, ibid., page 4, number 57, and book 18, chapter 4, page 1, paragraph 4, number 28, with Bordon, Peyr, Lez, Pelliz, and others. What Sotos says, that profession ceases any irregularity, is more commonly denied. See Salm, book 10, chapter 7, page 4, number 58. 5. They can grant dispensations even in cases of true bigamy, by virtue of the privilege of Martin V; thus, Castrop, Pelliz, Machado, Salm, and others state. See book 7, numbers 555 and 452. 6. In cases of irregularity...

[*Latin ed. p. 651*]

Also, concerning public matters, due to a lack of leniency. Book 7, paragraph 468. 7. And finally, the religious orders can grant dispensations to their subjects: in all impediments and penalties incurred through fault, such as the deprivation of office, benefice, voice, place, etc., even though these may be reserved to the Pontiff, as Suarez, Sanchez, Pellizari, and Salm

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argue, along with other privileges of Sixtus IV, Pius V, and Gregory XIV. Salm, book 18, chapter 4, page 1, paragraph 4, number 29, at the end. 106. — III. The prelates of religious orders have the power to grant dispensations to their subjects in ecclesiastical matters, just as bishops have with their diocesans. Indeed, they possess a jurisdiction almost like that of a bishop, as commonly taught by the Doctors, citing Clement, "De electione." Salm, book 18, chapter 4, page 1, paragraph 5, number 31, with Bonaventure and Pasqualis, etc. And therefore, they can probably grant dispensations in all that which is not specially reserved to the Pontiff. And especially in cases of doubt, as we have said. Salm, ibid., number 33. They can also grant dispensations with a cause (as is always presumed) in pontifical laws, when they are issued for a particular province or monastery, because then such a faculty is presumed to have been granted; or when such a custom exists, or when it is not easy to appeal to a higher authority; or when it concerns matters of little importance, which do not obligate to mortal sin, or which occur frequently, such as fasts, abstinence from meat, observance of feasts, recitation of the office; provided that it is not granted for a long time, as Salm says, with Cajetan, Soto, etc. The same applies to the rules of the religious order. Salm, ibid., numbers 34 and 55. Thus, Azor, Castrop, Salm, Trull, Machado, etc., also say that superiors can grant dispensations to work on feast days, both to religious and to domestic servants, but not to outsiders, who otherwise might be able to work for the monastery, if the monastery is poor, as Sylvestri, Fagundes, and Salm say, with Pasqualis, Leandro, and others. Salm, ibid., number 57. 107. — IV. Regarding the divine office, note here the privileges that religious orders have: 1. Leo X granted to religious the permission to recite the Hours entirely mentally (but P. Ferraris, in "Bibliotheca," volume on the Office, number 101, citing Sporer, says that this privilege is adulterous), and also to anticipate longer offices, and to shorten them for days of greater occupation. 2. Clement VII granted to all infirm religious (meaning those infirm who are not excused by themselves according to Tom. X).

[*Latin ed. p. 652*]

1. It is permitted to fulfill the office [of reciting the Divine Office] and to those who are indisposed, to satisfy the obligation by reciting the seven Psalms (assigned by the superior), the seven "Our Fathers," and two "Creeds." And Pope Martin V. granted that those who are recovering [from illness] may fulfill that portion of the office which their confessor judges suitable.

2. Pope Innocent IV. granted to the nuns of St. Clare (and this is understood to apply to all other religious who receive Communion) the right to fulfill the office of the choir, for any reasonable cause, for example, if a religious is not properly instructed according to the judgment of the abbess or confessor, in the office of the choir; or if she is scrupulous, or is weary

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from labor, or is occupied with useful tasks, such that it would be detrimental to her religious duties to devote a large portion of the day to receiving confessions, preaching, or ecclesiastical study. For it is assumed that the religious enjoy the privileges granted to nuns, as stated in n. 10. Furthermore, it is noted that the religious can use this privilege even without the permission of their superiors; for it was granted without that condition. Moreover, it is noted that if the nuns omit the office of the choir, using this kind of privilege, they do not sin mortally, because they are considered as laypersons, who are not bound by mortal sin to recite their office. But this does not please me, for this kind of privilege does not change the nun's status to that of a layperson, but only the office of the choir is changed, and is converted into that of a layperson.

408. — The confessors of the Mendicant orders, and other religious who receive Communion, have the power to annul, remit, and grant dispensations from vows and obligations. Furthermore, they can grant dispensations to married couples with regard to the impediment to receiving Communion, due to incest committed with a relative of the spouse, as commonly stated by Sanchez, Pontius, Salm., and others, against P. Concini, from many privileges of various Popes. See book 6, n. 4076. See also. It should be noted here that the confessor must obtain special permission for this, at least from the superior of his monastery. Ibid., n.

409. — Furthermore, the confessors of the Mendicant orders can grant dispensations to married couples with regard to the vow of chastity taken before marriage, to receive Communion, as commonly stated by Castr., Pontius, Sanchez, Tourn., Wigandt, Salm., etc., from the privilege of St. Pius V. And also with regard to the vow of chastity taken after marriage, as...

[*Latin ed. p. 653*]

It is rightly thought by Sanchez of Salamanca, etc. (against Ponthieu), that from other privileges, from which they themselves can dispense in all vows, in which Bishops are lawfully permitted to dispense with their subjects, they can also dispense. See book 6, paragraph 987, and question, and paragraph 1128. What is more doubtful is whether, in a case of necessity, they can dispense with betrothed couples, as Bishops can in the vow of chastity for the purpose of contracting marriage? Most affirm, as Anacletus, Vidal, Bassaeus, Henriquez, etc., judge the opinion of the Salmanticenses and Elbel to be probable. But Layman, Barbosa, Sanchez, and Ponthieu commonly deny it, saying that religious can dispense only in those vows in which Bishops are lawfully permitted to dispense, but not in an extraordinary case, such as this one. However, the opponents reply that, in a case of necessity, Bishops also dispense lawfully, since such power is attached to their office and dignity, as was said in paragraphs 34 and 41. Therefore, we cannot consider the first opinion to be improbable. See book 6, paragraph 1128, at the end, paragraphs 110-111.

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When it is granted to secular clergy to choose a confessor, either by the Supreme Pontiff or by their Ordinary, it is always understood that the confessor is approved by the Bishop; but religious, with the express or tacit permission of their superior, can confess to any simple priest; which is commonly held to be the case, as Suarez, Lugo, and the Salmanticenses, book 18, chapter 4, paragraph 2, section 2, paragraph 49, state. Therefore, all religious can choose any priest as their confessor, as the Doctors also commonly say, from the last chapter on penance, and from the remarks. The same applies to the servants of the monastery, as is stated in the Council of Trent, session 25, chapter 11, from which they can receive the sacraments of Penance, the Eucharist, and Extreme Unction from religious. And the same applies to those who come as novices, under the name of religious, as all acknowledge, and as the Sacred Congregation declared on August 14, 1665. Therefore, they can be absolved from all reserved cases by the Bishop. Salmanticenses, book 13, chapter 3, paragraph 6, paragraphs 85 and following, as was said in paragraph 95. But this does not apply to the knights of St. James, and similar groups, as the Salmanticenses say with common opinion, for such is the custom. Salmanticenses, book 18, chapter 4, paragraph 2, section 2, paragraph 58.

It should also be noted that traveling religious, if they have a companion (provided he is suitable) of the same order,

[*Latin ed. p. 654*]

Those who are bound by such vows, ought to confess to those who have also taken such vows. But if a religious is absent, or another priest of the same order, then they can confess to any suitable priest, whether regular or secular: which is common among all. But it is questioned, whether such a priest ought to be approved in that place? Some, such as Wigandt, Concina, etc., wish it so. But most, and indeed rightly, Suarez, Ronc. Castrop. Salm. Elbel, and others, deny it. And because such is the custom of religious orders, which leads one to presume the consent of the Ordinaries; and because Innocent VIII absolutely granted to religious traveling that, when they could not have a confessor of their own order, they could choose any other suitable priest, religious or secular. See book 6, numbers 575, 412. Furthermore, Lugo, d. 20, number 86, and Salmant. ibid. §. 6, number 124, along with Navarro, Soto, Castrop, Peyrino, Bossio, etc., say that during the time of a general Jubilee, regulars, and even nuns, can confess to religious of another order without the permission of their superiors, even if they have a confessor assigned to their own order, due to several privileges which are mentioned by Lugo, Mendo, etc. See book 6, number 788, note 8. 413. Seventhly, regulars, with regard to orders, do not receive dismissal letters from Bishops, but from their superiors, otherwise they gravely sin, and incur suspension. However, with regard to receiving orders, first, St. Pius V. granted them the privilege of receiving orders from any Bishop; but

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this was revoked by Gregory XV. This revocation was confirmed by several other Popes, and recently by Benedict XIV, in the Bull Impositi, etc., in the year 1747, in which, furthermore, it is prescribed that, if the local Ordinary holds the ordination, the religious must be examined and ordained by him; that if the Bishop is absent, or does not have the ordination, he can be ordained by another Bishop; but then a genuine attestation is required from the Vicar General, or secretary, or chancellor of that Bishop, proving either that he is absent from the diocese, or that he will not have the ordination at a legitimate time according to ecclesiastical laws. And the same Pope expressly commands that this must be declared, so that it is known that it is not sufficient to say that the Bishop will not have the ordination if it is to take place at a later time; otherwise, he incurs the same penalties as those who are ordained without dismissal letters. Furthermore, it is forbidden to a religious to remain in another place having received work there, so that he may excuse himself from examination.

[*Latin ed. p. 655*]

The bishops of the place where they previously resided. Those religious who reside in dioceses that are not their own, ought to be ordained by the nearest bishop. See book 6, paragraph 768, note 8, paragraph 114. — It is questioned here 4, from whom should novices be ordained? Suarez and Henriquez say, from the ordinary of either their origin or their domicile; but Sanchez, Castrop, Delbene, and Fagnanus, along with others, believe that they can be ordained by the ordinary of the place where the novitiate is located. La Croix and Father Mazzotta rightly say that both opinions are probable, provided that (in the case of the second) the novice has the intention, as far as is in his power, of remaining permanently in that monastery in which he is, and that he gives a pledge on this matter, as is prescribed in the Rule of the Speculators. Ibid., paragraph 763, note 115. — It is questioned 2, whether religious can be ordained outside of the permitted times? Vasquez, Lezana, etc., deny this; for they say that, although Gregory XIII granted this to the Jesuits, he nevertheless forbade communication [with the outside world]. But today, it cannot be doubted, both because of the many privileges granted to other religious orders, and because of the declaration recently made by Benedict XIII in the Roman Council (title 5, chapter 2), in which it was established that such privileges should remain in full force, and that there is no evidence that they have been revoked. Ibid., paragraph 797, note 116. — It is questioned 3, whether, when religious are ordained outside of the permitted times, they can be ordained on any day in which the double office is celebrated, even if it is not a feast of precept? Fagundez, Villalob, Diana, etc., affirm this, and Suarez and others consider it probable; because Alexander VI, when dealing with such a privilege, said that it was possible to be ordained on Sundays, or on double feasts, but he did not say on feasts of precept. I do not dare to reject this opinion,

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but I consider the opposite opinion, along with Lug. Morin and Escobar, to be more probable, because Gregory XIII, when dealing with the same privilege, declared, saying, "on Sundays, and on feast days," and he did not say "on double feast days"; a feast day is properly understood to be that in which work is forbidden; hence it is understood to be a feast of precept. And indeed, the practice is that, with regard to all those who are ordained with a dispensation, it is done within three feast days, for which the same rule applies. See book 6, paragraph 797, note 117. — As for the power of conferring orders, formerly, abbots regular, by concession granted to them in the seventh synod (as is found in canon "Quoniam," dist. 169), could—

[*Latin ed. p. 656*]

To confer tonsure, and the minor orders, not only upon their own religious subjects, but upon all others. However, by the Council of Trent, session 25, chapter 10, this power was limited to the regular subjects alone. Nevertheless, despite this, many Doctors have maintained that Abbots, at least those who are mitred (as Salm asserts, and cites several decrees of the Holy See), can ordain even their secular subjects, and even others, provided they have dismissal letters from their Ordinaries; nevertheless, all these opinions no longer hold sway today, after the decree of the Holy See, approved by Urban VIII on January 17, 1642, in which any contrary opinion was rejected, and it was forbidden to Abbots to confer orders, or to grant dismissal letters, to anyone other than their own regular subjects; and those who do the contrary are subject to suspension. However, many are excepted, as those described in the Roman Chancery, who have the privilege of granting dismissal letters, such as the Abbot of Monte Cassino, the Abbot of Cava de' Tirreni, etc. See volume 6, numbers 763 and 418.

Here are the questions:

1. Whether Abbots who have almost episcopal jurisdiction in some separate territory, can ordain their secular subjects? Molfesius, in La Croix, book 6, page 2, number 2256, cites a positive declaration of the Holy See. But Benedict XIV, *De Synod.*, book 2, chapter 11, number 14, cites a contrary one, and also cites the decision of Father Zacharias, in La Croix, in the aforementioned place, 419.

2. Whether Abbots, who can ordain professed subjects, can also ordain novices? Castrop, Barb, Sayrus, etc., deny this. However, it is more commonly, and more probably, affirmed by Suar., Laym., Sanch., Escobar, and Salm., with others, because, as we have said, novices also come under the name of "regulars" in favorable circumstances. See volume 6, number 764.

3. Whether orders conferred by such Abbots, upon seculars, or those not subject to a religious order, are valid? Suar., La Croix, etc., deny this. But it must be affirmed, with Sanch., Salm., Tamb., Pellix, etc., because this power (as we have said) was formerly granted to Abbots; and subsequently, by the Council, and by the decree of Urban, it was only the exercise of this power

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that was forbidden to them; hence, they ordain illicitly, but validly. And it is clear that this is the case, from the same decree of Urban, in which those who have been ordained are subject to suspension. Therefore, the orders are considered valid for those.

[*Latin ed. p. 657*]

It is reported that Benedict XIV, in his work *De Synodo*, book 2, chapter 11, paragraph 15, 124, states this repeatedly. Furthermore, concerning the celebration of Mass and the administration of the Eucharist, previously, due to privileges granted by Sixtus IV, Alexander VI, and Urban VIII, they were permitted to celebrate in a portable altar, both in their own homes and in their rural residences, commonly called "Grancie," even against the will of the Bishop. Salm, in *Tractatus*, book 15, chapter 7, page 4, paragraph 97, confirms this. However, Clement XI, in the year 1705, declared in his decree that all such privileges for celebrating in a portable altar had been revoked by the Council of Trent. Moreover, Benedict XIV, in his bull *Magno*, § 29, made a similar declaration. I cannot agree with Father Mazzotta, who claims that such prohibitions are to be understood only with regard to private homes, but not with regard to the residences of religious orders; for in the decree of Clement, it is a matter of a privilege for celebrating in places where they reside; and the places where they reside are their own homes, not those of others. Furthermore, Innocent XIII, in the year 1723, in his bull *Apostolici ministerii*, which, although originally issued solely for the reform of the Spanish clergy, was confirmed in the year 1724 by Benedict XIII in his bull *In supremo pro toto orbe*, forbade the erection of an altar in private cells or chambers of regular canons, under any pretext contrary to custom. See book 6, paragraph 560, as cited by Hane. However, it should be known that Gregory XIII granted the Provincials of the Jesuits the faculty of designating public oratories in their churches, in which all may celebrate, etc., as stated by Merat, page 1, title 20, letter F, 122. Furthermore, due to the privilege of Gregory XIII, regular canons may celebrate one hour before dawn; therefore, they are permitted to celebrate Mass three hours before sunrise; so state Lugo, Suarez, Rodriquez, and Salm, in *Tractatus*, book 15, chapter 7, page 4, paragraph 94. Indeed, if there is a just cause, they may celebrate immediately after two hours past midnight, according to the privileges of Alexander VI and Clement VIII. Lugo, Rodriquez, Diana, Narbonne, and Salm, along with others, state that these privileges have not been revoked by the Council of Trent, session 22, concerning things to be avoided, etc. However, the aforementioned Doctors caution that this applies only to churches belonging to the religious order; in which, however, they add, secular priests may also make use of such a privilege. See Lugo, *De Euch.*, book 20, paragraph 27, and Salm, cited above, paragraph 94, at the end. Furthermore, Eugene IV granted regular canons permission to celebrate three hours after noon, provided there is a

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just cause; however, Azorius, Fagundez, and others state,

[*Latin ed. p. 658*]

This privilege had been revoked by St. Pius in the bull *Amantissimus* in the year 1566. Lezana provides a declaration from the Sacred Congregation regarding this matter. However, Lugo, Salm, along with Aversa, Dicastillo, Narbonne, Diana Veteranorum, etc., state that there is no authentic proof of the revocation by St. Pius, who spoke only of the Masses celebrated in the evening, perhaps even around sunset; therefore, they maintain that the privilege of Eugene IV remains in effect, and that any reasonable cause, such as for the sake of health, study, and the like, is sufficient to utilize it.

123. Regarding the administration of the Eucharist, Paul III and other Popes granted the Regulars the faculty of administering the Eucharist to all the faithful in their churches. However, this is excepted in the following cases: 1. If the Bishop reasonably prohibits someone from receiving the Eucharist. 2. The Communion given at the hour of death, or in danger, provided that there is no extreme or grave necessity, and the parish priest is unable or unwilling to administer; Lugo, Roncaglia, etc. See book 6, numbers 239 and 240. 3. The Paschal Communion; that is, the Communion by which one fulfills the precept, as Filliucius, Sa, Busembaum, etc., commonly state.

124. Regarding the faculty of preaching, formerly, the Regulars, according to Clementine documents concerning burial, were able to freely preach in their churches and in public squares; but the Council of Trent, session 5, chapter 2, decreed that they could not preach in foreign churches without the permission of the Ordinary, nor in the churches of their own Order, before requesting a blessing from the Bishop. Therefore, for the Regulars to preach in their own churches, it is sufficient that they request a blessing, even if it is denied, as Lezana, Pelliz, Bordonus, Salm, book 18, chapter 4, page 4, number 178, state, along with others, citing a decree from the Sacred Congregation. However, as the Salmuntines state, this blessing is not required to preach in public squares, for the Council speaks only of churches. Nevertheless, the Regulars must always have the approval of their superiors, who would be guilty of sin if they allowed anyone to preach without prior examination. Salm, ibid., numbers 176 and 177. Furthermore, superiors can also entrust this task to simple, tonsured clerics, according to the privilege of Gregory XIII. The Sacred Congregation has generally declared that preaching can be entrusted to anyone who is tonsured. Salm, ibid., number 174.

125. Regarding foreign churches, as stated, the Regulars cannot preach there without the permission of the Ordinary, unless...

[*Latin ed. p. 659*]

It is permissible, as some say, Navarrus, Barbosa, Diana, the theologians

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of Salamanca, and others, for this to occur two or three times; or, at the very least, if the Ordinary is not present in that place, and some religious person is there, because then the parish priest can grant him permission to preach, as Gregory XIII. granted, as stated in Salmanticenses, ibid., n. 184. However, if the Ordinary grants permission, the religious person is able to preach in the parishes, even if the parish priest objects, because the Ordinary is superior to the parish priest; and this was expressly granted by Alexander IV., as stated in Salmanticenses, tractate 18, chapter 4, page 4, n. 179, 126.

Question 1: Whether it is permissible for religious persons to preach against the will of the Bishop? If they are in churches that are not their own, and the Bishop initially denies permission, it is undoubtedly not permissible. But if the Bishop has already granted permission, and now wishes to revoke it, or if the churches are their own, Peyrinus, Vega, Pellizzarius, and Salmanticenses, along with Diana, etc., state that they can preach. However, this is opposed by the decree in the Tridentine Council, session 24, chapter 4: "No secular or religious person should presume to preach against the will of the Bishop." Furthermore, the bull of Gregory XV, *Inscrutabili*, states that the Bishop, as a delegate of the Apostolic See, can punish religious persons who have presumed to preach in churches that are not their own, without having requested permission, or even against the Bishop's will. However, the theologians of Salamanca respond that both the aforementioned bull and the Council should be understood according to what is stated in the Clementine Code, cited above, which prohibits preaching when the Bishop is preaching, or when it is done solemnly before him. And so, the Sacred Congregation of Bishops and Regular Canons decided on January 50, 1629, as cited by Barbosa, in the Tridentine Council, session 5, chapter 2, n. 19. However, when I examined Barbosa in the cited passage, I found that the declaration of the Sacred Congregation was only concerning sermons in churches that are the property of the religious order; therefore, with regard to churches that are not their own, the aforementioned response does not seem probable to me.

Question 2: Whether the Bishop is able to examine religious persons who are requesting permission to preach in churches that are not their own? The Sacred Congregation, as cited by Barbosa, *loco citato*, n. 20, on January 12, 1628, definitively stated that he is; but Salmanticenses, *loco citato*, n. 186, along with Pellizzarius, Bordono, Diana, Peyr., etc., object, citing the bull of Leo X, *Superna*, in which it was decreed that no one should...

[*Latin ed. p. 660*]

It would not be admitted, unless first examined by his respective superiors, and then it would be declared there that the religious man ought to show the approval of his superior. Then Salm, with Pellizzario and Granado, expressed the opinion that the aforementioned declaration

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contrary to the Holy See was not more than probable; therefore, it should not be preferred to the bull of Leo. But, I say, at least it is probable from that declaration that the Bishop is able to examine, and otherwise he can deny permission. On the contrary, the bull of Leo prohibits Bishops from admitting a religious man who does not present the approval of his superior, but it does not forbid him to examine, if he wishes, and to deny permission, if he himself refuses to be examined.

428. — It must also be noted that, according to the Lateran Council V, the Ordinary can suspend and punish regular preachers in three cases, in which they themselves are suspended from preaching: 1. If they preach things that are marvelous, false, or uncertain. 2. If they preach prophecies not founded on Holy Scripture, or not approved by the Apostolic See. 3. If, by preaching, they detract from Bishops and their superiors. Furthermore, according to the Council of Trent, Session 5, Chapter 2, the Bishop can suspend and punish those regular canons who preach heretical, erroneous, or scandalous propositions. Salm, Tractate 18, Chapter 4, page 4, number 188. Finally, it should be noted that Urban VIII, in the Constitution *Atias felicis rec.*, dated April 11, 1653 (fully related in P. Ferrar, *Bibliotheca*, volume 3, under the word "Oracula," page 331, number 9), revoked all privileges granted by his predecessors to regular canons concerning the living voice oracle, except those which have been testified to by ministers, to whom the exercise of their office is commonly accustomed.

[*Latin ed. p. 661*]

APPENDIX. A TREATISE ON THE JUST PROHIBITION AND ABOLITION OF BOOKS HARMFUL TO READING, containing more than can be expressed with a brief pen, which have been extensively presented by the Authors.

Recently, two letters have been written with a pen, in which the most salutary and necessary discipline of the Church concerning the prohibition of books is unjustly attacked, and it is rashly asserted that, even if the law of the Church does not permit it, it is permissible to read any books whatsoever, provided that the danger of subversion is not evidently apparent. The Authors of these letters rely on two false arguments: first, that the law prohibiting books was not introduced into the Church long ago, but that this ancient discipline is not approved; second, that the Church does not proceed canonically in this matter, nor does it observe the proper order of law, and therefore such a law cannot be binding. I am indeed astonished that these new opinions are so boldly presented by the Authors, when it is sufficiently demonstrated that the discipline by which the Church prohibits the reading of harmful books has always been and has consistently been in force from the earliest centuries; and that the Catholic Church has always proceeded with careful examination and proper order in the suppression

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of such books, and still does so. From this, I have approached the matter.

[*Latin ed. p. 662*]

To thoroughly restore [someone] to the truth: especially since it is evident from the aforementioned erroneous opinions that the authority of the Church is greatly weakened, and the minds of the faithful are strongly drawn away from the due obedience to the Church's definitions; from which, subsequently, they easily fall into other errors against faith and morals, with immense loss of souls. And therefore, I have considered it worthwhile to present this Dissertation to the public, in which, first, I will show the necessity of prohibiting all books that can instill errors in the reader; then, I will demonstrate that this law of the Church regarding the prohibition of books has always been maintained from its very beginnings; thirdly, we will show how prudently and orderly the Church has always proceeded, and proceeds, in such prohibitions. Finally, we will refute certain empty objections of heretics, from which some Catholics, less cautiously, have borrowed certain statements, which have subsequently been imprudently spread among the people, to the great detriment of the faithful.

CHAPTER I. The utility and necessity of prohibiting books of harmful reading are demonstrated.

I. It is a special commandment of the Lord to avoid heretics in every way and with all diligence, both in the Old Testament (Deuteronomy, chapter 16) and in the New Testament (Romans, 19; and 2 Timothy, chapter end). Especially, St. John wrote: "If any man come to you and bring not this doctrine, receive him not into the house, nor say to him: God speed you." 1 John 4:10. Wisely, St. Paul said: "Their words greatly contribute to impiety, and their speech is like a cancer." 2 Timothy 10. Hence, John most earnestly cautioned himself against Ebion, and he was even horrified by the bath that Cerinthius had used. See Baronius, in the year 44, notes 8 and 9. In the same way, Polycarp acted with Marcion. Eusebius, History, book 4, chapter 13. Eusebius of Vercelli preferred to suffer hunger rather than to accept bread from the hands of the Arians. See Baronius, in the year 356, note 96. Cyprian, speaking of certain excommunicated individuals, thus warned his flock: "Do not readily grant consent to deceptive words, lest you exchange light for darkness."

[*Latin ed. p. 663*]

"Take poison for a remedy, death for salvation..." Depart far from the contagion of such men, and shun their words as you would cancer and the plague, with fortitude. St. Cyprian. Furthermore, it has always been maintained in the Church that the faithful should abstain from all intercourse with heretics and excommunicated persons, as testified by St. Ephrem in *De Virtute*, chapter 8; Alexander of Alexandria, in his letter to Alexan-

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der, the Bishop; St. Athanasius, in the *Life of St. Anthony*, the Abbot; St. Leo, in Sermon 5 *De Jejunio*; and likewise, the councils, the Popes, and all the Fathers. II. Therefore, if the Church has always urgently commanded us to avoid a wicked conversationalist, how much more ought one to beware of a pernicious book, which can corrupt readers far more than mere words? If a word, which flies away immediately, can wound and lead to death, what evil will not an impious book bring, which can spread perpetual corruption? A wicked book can penetrate any house, to which the author might never have had access. If religion and public tranquility cannot exist where perverse men are permitted to spread false doctrines, or to introduce harmful opinions contrary to established moral rules, as it is said in the *Collectio*, title *De Officio Praesidorum*, how much less can they exist where such scoundrels are permitted to spread the same things more widely through writings, and to confirm them with clever arguments, which are far more harmful when read than when heard. For whatever we read, it occupies the mind more strongly, and passes more easily to the heart. Just as sacred reading fosters virtues, so, conversely, wicked reading incites to vices, and incites more strongly, especially when men are more inclined to vices than to virtues. St. Basil well called books "food for the soul"; for just as food enters the body pleasantly, and then becomes the very blood of the man; so, a book, when read, is read pleasantly (for who reads unwillingly?), and thus it easily becomes the property of the reader. Moreover, he who approaches an author for reading, almost surrenders himself as a disciple, and offers his heart, docile and willing; and therefore, he can easily be deceived; for it is very difficult for a reader not to be affected by some affection for the author: from which it easily follows that impiety and hidden error are insensibly absorbed, and afterwards tenaciously retained.

[*Latin ed. p. 664*]

III. Add to this, that impious writers, with great diligence, adorn and color their errors, so that they deceive not only the simple, but also the learned. For they never (at least, at the beginning) openly reveal themselves, but clothe and line them with various specious reasons, subtleties, and clever arguments, thus injecting a deadly poison. Sometimes they feign holiness and zeal, pretend to be concerned about the public good, and present rules of perfection, but the serpent lurks in the grass. You will see them bring forth countless passages from Scripture and the Fathers, and examples, but all are either corrupted or misinterpreted. Thus, heretics have accustomed themselves to deceive many, knowing that their errors will not be readily accepted if they are presented nakedly; and therefore, they conceal them with heavenly language, as if with certain perfumes, so that others, horrified by wickedness, may not easily despise divine oracles. Hence, the Savior cried out: "Beware of false prophets, who come to you

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in the clothing of sheep, but inwardly they are ravening wolves." Matthew 7:13. What is the clothing of sheep, if not the simulation of piety, with which deceitful writers cleverly adorn themselves? And what are ravening wolves, but the sentiments of heretics, who tear apart the flock of Christ? "See," says Origen, "that you are not deceived by the splendor of the work, nor are you carried away by the beauty of the speech." Similarly, St. Gregory says: "Heretics, by mixing falsehood with truth, seek to draw listeners to themselves by showing good things; and by exhibiting evil things, they secretly corrupt those who are hidden with them." Book 1, Morals, chapter 11.

IV. But it is very important here to bring forth the words of a certain learned heretic, Abraham Le Moine, in the Translation of the Three Pastoral Letters of the Bishop of London, in the year 1750, who, speaking of several books published in England promoting atheism, said thus: "These books, having fallen into the hands of a countless number of people, have produced infinite evil. And the more so, because at first they appear adorned with a commendable end and reason. Everyone turns away from open incredulity. But these English authors, under the guise of presenting the evangelical truth, undermine its very foundations with their difficulties, and destroy its principles, sparing nothing to make its arguments seem very suspicious. They vomit forth a poison, the more deadly the more subtle and hidden it is. For a long time, deluded men drink it in; but they see nothing there, because they suspect nothing."

[*Latin ed. p. 665*]

In order that they may more easily become attached to it. And since novelty is pleasing, and religious instruction is scant, and the inclination towards wickedness is very great, it is not surprising that books of this kind corrupt the minds and hearts of those who read them carelessly. The words of unbelievers wound: readers are ensnared, scruples arise, and finally, unexpectedly, they become unbelievers. From this, the freedom of the mind becomes immoderate, and the license of the heart becomes irresistibly great; this indulges in passions, and expands the dominion of vices. Therefore, it can truly be said that this great city (namely, London) has never been so depraved as it is today. Indeed, almost all the states of Europe, and kingdoms, are unfortunately afflicted with this contagion; but it would undoubtedly be much worse if there were in them the freedom that we have in thinking, writing, and reading. Thus far, this. The complaint and outcry of this heretic, which has been mentioned, is enough to show how necessary it is to prohibit pernicious books in order to foster religion and public peace. And would that it were false that the aforementioned author asserts at the end, namely, that even among Catholics, more have been infected by the plague of atheism. And to what can this be attributed, if not to the improper reading of condemned books? Other Englishmen, relating

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about the common contagion of their nation with the heretic, also strongly lament; but meanwhile, they take the least possible care to restrain the harmful freedom of writing and reading. In the time when England obeyed the Roman Church, there were no unbelievers there, no atheists, no deists, nor any of the broadminded; because there were no books there that taught such things, and no one read them. Now it is best to confirm this with examples. B. Dionysius of Alexandria testifies, in Baronius, that harmful books led almost half of the East to the Kiliast faction. Bardasanes of Syria, in Mesopotamia, who had already been converted to the faith, was once so conspicuous for his piety, and so zealous in denouncing heretics in word and writing, that he was admired by Catholics; but when he read certain volumes of the Valentinians, he not only subscribed to their errors, but invented other, more atrocious paradoxes, and thus seduced countless people. See Ephraim Chamber in Cyclop., verb. Bardasanitæ. Also, St. Jerome testifies, in Isaiah, book 18, chapter 64, that Spain and Lusitania were not contaminated.

[*Latin ed. p. 666*]

There were, unless it be that the books of the Priscillianists were widely circulated there. Likewise, St. Turibius, in his letters to Idacius, Cepion, and St. Leo, laments the corruption of Iberia and of Gallia Narbonensis, due to certain nefarious books, which he declared to be the sole cause of so much ruin. Eutyches, formerly an unyielding defender of the faith, was changed into a head of countless heretics by reading a certain book of Manichaeus. See Anastasius of Sinaita, *Liber contra Acephalos*, chapters 6 and 14. Afterwards, he was compelled to recant in a monastery, but his writings, despite his own silence, did not cease to spread corruption in the East. Julianus of Halicarnassus, in Caria, likewise fell away from the faith through reading the books of Valentinus. Anastasius, *ibid*. Thus, Avitus, a Spanish priest, while reading the writings of Origen, although he was reading their refutation at the same time, and having been warned by Jerome to beware of errors, nevertheless absorbed the poison, rejecting the warning. Baronius, *ad ann.* 144, n. 4. The sorrowful case of Henry Bulincerus, a Catholic doctor, formerly most pious, indeed eager for perfection, who was about to enter the Carthusian order, is also known. He came across a book by Melanchthon, and although he was inwardly terrified by its reading, even by a divine voice, he was nevertheless, by the prompting of a demon, compelled to read it, and he fell, thus becoming, from a faithful servant of God, an unhappy minister of Satan. See *Dictionarium Portatile*, under the word "Zwinglius." Jerome of Wycliffe, after many wicked labors published in England, until he taught orally, brought forth scarcely any censure, and made very few followers of his errors; but when he disseminated his nefarious books, he lost the entire Bohemia, which he never saw; and he gave poisoned drink to others; for when John Hus received the books

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of Wycliffe from a Bohemian who had studied at Oxford, he spread their impious doctrine everywhere: Cocceius, *Historia Hussitarum*. See also Bon Blacciot, in the notes to Thomas Waldensis, *Doctrina*, 6, on Wycliffe. We omit, lest we become too lengthy, other similar examples, which are found throughout history. Furthermore, it is clear to all learned men that new heresies have almost always sprung forth from the books of other ancient heretics.

VI. Therefore, councils, Popes, and pious princes have, by pen, by voice, by censures, and by other punishments, striven to eradicate books that in any way corrupt the faith or morals.

[*Latin ed. p. 667*]

They could have. Therefore, the Fathers in their writings were greatly inclined to warn the faithful against reading such books. Origen accused those who unjustly perused indecent or impious books of the same guilt as those who ate meat offered to false idols. Orig. Hom. 20 in Num. St. Isidore wrote that reading impious writings is the same as offering sacrifice to the devil; and he adds that it is not permissible for Christians to read the fictions of the poets, because through them the mind is inflamed with lust. In c. Ideo 18, dist. 37. St. Jerome said: "No one enters a pierced church to learn how to avoid shipwreck; and will you direct your soul, free from deceit, to a volume filled with heresies, so that you may learn the Catholic truth there?" Ep. ad Lætam. Tertullian more forcefully: "No one can be built up from that which destroys; no one can be enlightened by that from which darkness comes." De præc. c. 2. Even the impious Luther published a book about abolishing the writings of corrupt doctrine. See Steidanus, lib. 2. Calvin likewise lamented against bad books. Braschius, de lib. Eccl., t. 5, c. 26, n. 5. It is also known that the books of Michael Servetus were, in the year 1552, together with the impious author, burned at Geneva, at the urging of Calvin. Even the Gentiles, guided only by reason or experience, held the same judgment about eradicating bad writings. Plato considered it necessary that books be subjected to the examination of wise men before they are passed on to others. VII. Indeed, among all cultured nations, the custom of abolishing books of harmful reading has always prevailed. Among the Hebrews, Joakim, when he received a book from Jeremiah through Baruch, fearing that it would be a scandal to the Jews, ordered it to be given to the flames. See Bodinus, lib. 2, De Daemonomania, c. 2. King Herod also wished to have all Hebrew codices burned, as being contrary to the public peace. Euseb. Hist., lib. 1, c. 8. Among the Syrians, Antiochus Epiphanes, by a public decree, ordered the books of the Hebrews to be burned. 1 Machab. 1. 5. Joseph. Hebr., lib. 12, c. 7. Among the Athenians, Protagoras was everywhere exterminated, and his writings were publicly consigned to the flames, because in them he doubted the existence of the gods. Cicero, lib. 1, de Nat. Deor., and Lactantius, de Ira Dei, cap. 9. Among the Greeks, the

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books of Epicurus were likewise burned. Erasm. in Prov. Ficuln. Among the Romans, when a certain *bubuleus*, driving his plow into a sepulchral vault, found a...

[*Latin ed. p. 668*]

Volumes were discovered in which Numa expressed sentiments that were not favorable (though perhaps truthfully) regarding the worship of the gods, and the Senate ordered that these be consigned to the flames. Valerius Maximus, book 1, chapter 1, and Pliny, book 13, chapter 13. Marcus Æmilius, having become more certain of the multitude of books that were being brought into Rome, ordered that all writings containing new rites and prayers be destroyed. Arnobius testifies in book 3, quoted by Baronius under the year 502, number 19, that the Romans requested that the books of Cicero "On the Nature of the Gods" be eliminated, in which Cicero clearly expressed unfavorable sentiments regarding their religion. Furthermore, Roman laws exist in which it is commanded that books of improper content be destroyed, book 4. "Mala medicamenta," from the collection of Samuel Ericius, chapter 4. Also, Paul's Sentences, book 5, title 25, concerning 1 Corinthians, book 1. "Quicumque," book 1, "Damnato," and others. Moreover, Livius testifies in book 10, chapter 10, that among the Romans, it was demanded of the Pontifex Maximus that he acknowledge certain writings, condemn them, and burn them. Also, Emperor Augustus burned more than two thousand books in which no author was recognized, or in which the content was deemed unsuitable. Suetonius, in "Augustus," and Nicephorus, book 13. Likewise, Caesar forbade the reading of a book "On the Art of Love," and banished its author, Ovid. And here it must be especially noted that bishops and pastors should diligently strive to remove from among their flock books that are obscene, or that treat of vicious love, which Origen wisely calls "cups of Babylonian poison," and St. Augustine calls "frogs rising from the mouth of the beast." Even the Gentiles abhorred such writings. Plato stated that impious books should be entirely banished from cities. Among the Lacedaemonians, and throughout the entire territory of Sparta, it was forbidden to read and possess the books of Archilochus, because they contained obscene material. Valerius Maximus, book 6, chapter 13. It is said, as a certain author Beyerlink states in his "Cyclopædia," under the word "Liber," page 78, title "D," that Virgil ordered his own work, because of the fabricated impurity of Dido, to be thrown into the fire, near to its completion. Many small books of this kind, called "Romanzi" (commonly "Romances"), are circulated everywhere today, and are carried about by the hands of simple young people. The first inventor of these "Romanzi" was Heliodorus, Bishop of Tricae in Thessaly, as Nicephorus recounts in book 12, chapter 54. This Heliodorus, having written such a "Romanzo"

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during his youth, whose reading could easily lead young people to...

[*Latin ed. p. 669*]

Passionate love affairs: The provincial synod, aware of this danger, imposed a condition on him, namely, that he either surrender his work to the flames, or renounce his bishopric; but he preferred to yield his dignity rather than destroy his work. IX. Such works by Roman authors are not indeed universally condemned by ecclesiastical law, for the Index (Rule 7) only condemns books that explicitly treat of or teach lascivious matters; however, by natural law, as a learned author aptly observes, the Continuator of Tournely on the precepts of the Decalogue, chapter 1, at the end, they are often forbidden in themselves, due to the serious harm they inflict on those who read them; for the more subtly the poison is presented, the more it harms. Alexander Tassoni writes in his book 7, "Pensieri diversi," chapter 11, that when reading about accidental events and amorous intrigues, especially in solitary places and during leisure time, obscene fantasies arise under the guise of pleasure, and the mind becomes absorbed by them (1). These do not openly contain indecency, but by wonderfully inflaming the mind with profane loves, they obscure it, alienate it from God, and strongly incline it towards evil, so that when an opportunity arises, a man easily falls into infamous vices, and then perseveres more stubbornly in them. And furthermore, it should be noted that often the heads of families are the cause of this harm, because they are obligated to take these wicked books from the hands of their children; and if they do not do so, they should understand that they cannot excuse themselves from guilt; and all the more should they not complain if their children neglect and despise useful studies, because by accustoming themselves to the pleasurable reading of Roman authors, they subsequently find it distasteful and abhorrent to read other profitable books; and thus they become uneducated and immoral. John Gerson, writing against a certain Roman author, in his work "De Rosa," mentions the condemnation of Ovid's book, "De Amoribus," and then exclaims: "Oh God, oh the morals of the present time! Among pagans, a pagan judge and an unbelieving pagan condemn the one who writes a doctrine that leads to the enticement of love, and among Christians, such a work is tolerated, praised, and defended!" X. A similar work is entitled "The Faithful Pastor" (today).

(1) That is: In reading about events and amorous intrigues, especially in solitary places and during leisure time, obscene visions arise under the guise of pleasure, by which the mind is captivated.

[*Latin ed. p. 670*]

(which has deservedly and explicitly been condemned): of which, as Peter Bayle recounts, Dict. verb. Guar. Remarq. litt. C. page 1414, a certain fool undertook to defend this pernicious book, ineptly saying that it

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would cause no harm if young girls repelled the lovers it described. But the same Bayle, although an impious and faithless man, rightly reproaches this foolish defender, and we translate his words from the French language into Latin: "This response is sophistic, for it demands two things: that we read your work, and that we repel lovers. If you demand both of these things simultaneously, you are unjust, because your poem deprives us of the power to repel lovers. Moreover, that work fills us with love, kindles lust, disturbs the mind, and violently compels us to desire the presence of lovers. But suppose that we were to repel them, would we not, through such narratives, be found miserably exposed to and inflamed by many impure passions? And then Bayle proceeds to exhort that these kinds of books be utterly abolished everywhere. XI. Cicero wrote in his book 2, Tusculan Questions: "Do you see how many evils poets bring? They soften our minds... they weaken all the nerves of virtue." Hence, Quintilian, in book 1, chapter 13, forbade that the books of Horace, and other similar poets, should ever be read by young people; and St. Jerome, in Epistle 156, said: "The verses of poets are the food of demons." Even Luther, although of the most righteous morals, wrote: "It is necessary that the books of Juvenal, Martial, Catullus, and the Priapea of Virgil be exterminated from all places and schools, because they write such obscene and indecent things that they cannot be read without great harm to young people." Similar, indeed more pernicious, is the pestilent book of Boccaccio (even that which is said to be expurgated, and is circulated), which, in my opinion, can do more harm to young people than the works of Luther and Calvin. But, some argue, there, a refined language is learned, and there are many things that instruct in honorable morals. But John Gerson responds well to this, writing against the Romish De Rosa: "Are the evils in it, therefore, erased because of this? Fire is more dangerous." "A hook harms the fish, even if it is covered with bait." "Does a sword smeared with honey wound less?" Gretser adds wisely: "But these good things you will find pure and sincere in the books of Catholics; what then?"

[*Latin ed. p. 671*]

Why should one turn away from those clear streams? Who would prefer to drink water tainted with poison, even if they were not aware of the poison's presence? For, at the very least, water free from all contamination poses no risk of harm to anyone who drinks it. *De jure et more prohib. libros lib. 1. etc. c. 29.* Saint Augustine also wrote against those who read Terence, saying: "Not that these words are learned more easily through this vice, but through these words, this vice is more confidently committed. I do not accuse the words... but the wine of error that is offered to us in them." *Lib. 1. Confess. cap. 16. XII.* But let us return to our purpose, and conclude that, from all that has been said, it is clear that those books which are harmful to religion or good morals should be eradicated in every way, as

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all theologians teach; indeed, they add that, not even with the permission of the Pope, the reading of such a book should be allowed, if it could be an occasion for someone's downfall. *Juvenin. Theol. t. 6. p. 7. diss. 4. qu. 1. c. 6. §. 2.* *Continuat. Tournely de Præc. Decal. c. 1. a. 1. in fine, Graveson Hist. part. 2. Colloqu. 3. Habert t. 3. tract. de Virt. theol. art. 1. c. 4. qu. 6.* The most learned Sylvius adds, in *Continuat. Tourn.* at the place cited, that no one can read the works of heretics without the very serious risk of grave harm, unless they have devoted at least three or four years to the study of theology. Therefore, if nations, as we have seen, considered it necessary to abolish books that opposed their false religion in order to preserve it, how much more should the Church strive to protect the true religion from harm? It is necessary (said Theodosius in *l. Jubemus, c. de summa Trinitatis*) that nothing written which incites God to anger, or which drives the minds of men to ruin and fraud, should reach the ears of anyone. And Marcian, in the Acts of the Council of Chalcedon, 3, and see *l. Quicumque, c. de hæret. et Manich.*, says: "The material for error is removed if there is no sinner, and no teacher, and if the traces of heinous wickedness are consumed in flames." Furthermore, Charles V, in his Edict issued at *Bruxellis* in the year 1550, wisely stated: "If even a single drop of poison, which could harm the human body, is suspected to be mixed into the best of foods, it should be completely rejected; how much more so should those writings, which are so harmful to souls..."

[*Latin ed. p. 672*]

Are those poisons, which have spread everywhere, to be avoided not only by us, but also, so that they may not harm others, must they be erased from the memory of all men?

CHAPTER II. It is demonstrated that the Holy Church of God, from the very beginning, according to the precept of the Apostles, has been concerned with the suppression of wicked books.

I. Generally, the theologians teach that it is a dogma and a truth of the faith that the Church, and for its own head, the Roman Pontiff, as Vicar of Christ, has received from the Lord Himself the jurisdiction to forbid to the faithful the reading of books, whether they treat of religion impiously, or contain something contrary to good morals, or to the discipline of the Church. Suarez, *De triplici virtute*, disputatio 20, sect. 2, no. 4. Cardinal Albit, *De inconstantia in fide*, chapter 30, no. 186. Charles, *l. 7, c. 18, no. 3*. Braschius, *De libero arbitrio Eccl.*, vol. 3, chapter 26, no. 6. Anonymous, *Responsiones ad historiam de inquis.*, F. Pauli, p. 226. Indeed, if this power were not in the Church, and if the faithful were not bound to obey her in this matter, neither could the faith be preserved unharmed, nor would Christ have provided sufficiently for His Church. "The Church," says Baronius rightly, "would labor in vain in extirpating heresies and promoting good morals, unless the very source of errors and the flood of vices

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were completely blocked." It is clear that the care and the right to remove harmful books from the hands of the faithful belongs especially to the Church; for to it alone has been given the power to decide, for the sake of the faith and morals, and to designate suitable pastures for its flock. Hence, the Doctors rightly teach (see Honorat. Tournely, *Præl. theol. de Eccl.*, question 3, article 5) that the Church's censure, or judgment, concerning books is entirely infallible; for, as Natalis Alexander says in *Hist.*, vol. II, section 6, p. 448, Neap. edition, Christ has given the Church the power to distinguish between sound doctrine and heretical doctrine. And since any doctrine is contained in some books, it was necessary that the Church, in its judgment concerning books in which questions of Christian faith and morals are discussed, should not fail. For no one would consider a shepherd fit for his flock...

[*Latin ed. p. 673*]

It would be impossible to nourish those who could not distinguish between harmful and salutary teachings. Therefore, the care of the faithful for the Church would be rendered futile if certain knowledge were not granted to them for judging books containing either sound or corrupt doctrine. II. Furthermore, many things demonstrate that the custom of the Church of prohibiting and destroying wicked books originates from tradition and the precept of the Apostles. Firstly, it is clear that this discipline has always prevailed throughout the Church, and no Pope or Council can be indicated from which it originated. Origen says: "Concerning those who, teaching things different from the Church, have incurred divine punishment, would they not be judged, as if whatever they have written should perish entirely along with their own ashes?" Hom. 9. Therefore, even in Origen's time, the custom of eradicating erroneous writings was already in force. We have already explained the sentiments of Ephrem, Tertullian, and Cyprian. Alexander of Alexandria (who lived during the time of the Council of Nicaea), after describing the damage that the books of heretics inflict on the faith, says that he could not bear to receive those writings. Alex. Alexand. Epist. ad Alex. C. P. apud Theodor. l. 1. hist. c. 4. et apud Baron. ad an. 518. n. 83. Arnobius also testifies to this, apud Baron. ad an. 56. n. 302. St. Athanasius, in "De Incarnatione Verbi," apud Braschium, Socrates, in "Historia Ecclesiastica," l. 2. cap. 24, and all historians, attest that those recently converted from heresy were never received into the Church unless they voluntarily brought forth all the codices they possessed to be burned. Furthermore, Nazianzenus, in Oratio 18, notes that St. Cyprian was not received until he brought several books to be burned. St. Augustine confirms this, speaking of a certain heretic, he wrote: "This man, who was sought after, found, and brought in, carried with him books to be burned, through which he himself had been consumed, so that, after those were cast into the fire, he might pass into refreshment." In Psal. 61, in fin. Damasus

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also recounts the story of a certain Theudas; apud Beyerlink. verb. Liber. Moreover, in the Apostolic Constitutions (lib. 1. c. 6.), it is written: "Abstain from all the books of the Gentiles... What has you to do with foreign discourses, or laws, or false prophets, which indeed turn men away from the true faith?" III. Therefore, according to the accepted rule of Augustine, in "De Baptismo," l. 4. c. 24, the custom of avoiding impious books and of burning them originated with the Apostles; for St. Paul said:

[*Latin ed. p. 674*]

I beseech you, brethren, to observe those who create dissensions and schisms, contrary to the doctrine which you have learned, and to turn away from them. Romans 16:17. The same Apostle thus admonished Timothy: O Timothy, keep that which is committed to thy trust, avoiding the profane novelties of words and oppositions of knowledge falsely so called. 1 Timothy 6:20. Here, the Apostle signified the principles of the Gnostics, and the false doctrines of Simon, the Nicolaitans, and other heretics of that time, admonishing Timothy to keep himself and the faithful away from them. Furthermore, he wrote to him: But avoid profane and empty babblings, for they will increase to impiety, and their word is like a cancer; from among whom are Hymenæus and Philetus, who have erred concerning the truth... and have subverted the faith of some. 2 Timothy 2:16. "Avoid" certainly implies taking care not only of the words, but also of the writings of heretics. And if the Apostles commanded the faithful not even to say "Hail" to heretics (2 John 1:10), how much more should it be understood that they commanded caution to be exercised regarding their books, since no communion can be worse with heretics than by reading their writings? Fourthly, that this custom of turning the faithful away from the writings of impious men was introduced by the Apostles themselves, is evident from the Acts of the Apostles, where we read: "And many of them who had followed curious arts brought together their books and burnt them before all. And, counting the price of them, they found the money to be fifty thousand pieces of silver." Thus, the word of God grew mightily, and was confirmed. Acts 19:19. Pecinius, in Apol. cap. 18, n. 495, very foolishly says that this passage should not be understood of the books of heretics, but of those who practiced magic and divination. But it is replied, if the Apostles considered it necessary to burn the books of those who practiced magic and divination, how much more so the books of heretics? But whatever Pecinius may have erred in, St. Augustine testifies to the contrary in his post. tract. in Ps. 65, n. ult., Col. 442, that all heretics, when they were received into the Church, brought their books to the feet of their Apostles to be burned: "You know," he says, "that it is written in the Acts of the Apostles, that many who were lost and followers of various doctrines brought all their books to the Apostles, and many books were burned." The impious Luther himself did not hesitate to write: "It is an ancient example and an ancient

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custom to burn infected and wicked books, as we read in the Acts of the Apostles." See vol. 2, Epistles to...

[*Latin ed. p. 675*]

Salisbury. Saint Cyprian writes in his letter to Cornelius, number 42, concerning harmful books: "If any books have been written by the reckless audacity of some, we do not permit them to be read among us." Likewise, Emperor Justinian wrote in his edict to the people of Constantinople concerning heretical books. See above. But now it is better to illustrate this matter with examples. Although it seemed permissible for pastors of the Church, out of necessity and for a time, to read the books of heretics, so that they might refute them, according to the Fourth Canon, number 16, of the Council of Cartagena, nevertheless, in the early centuries of the Church, these same Patriarchs were cautious about reading such works, or, if necessity demanded it, they read them with great fear. "I," writes Dionysius, Patriarch of the Church of Alexandria, "have devoted myself to understanding the books and traditions of heretics: indeed, their sentiments so pollute my mind for a time; yet I derive this benefit from them, that I may refute them silently, and detest them all the more than before. And when a certain brother, from the order of the presbyters, forbade me, fearing that I might become involved with their wickedness and corruption; for he said that my mind would be defiled, and indeed, I myself felt this to be true..." And I was confirmed by a heavenly vision. Thus, in Eusebius, *History*, book 7, chapter 7. Note: Although Dionysius was a Patriarch of such a great Church, and he only examined the books of heretics in order to refute them, he confesses that reading them had somewhat polluted his mind, or at least disturbed it. And what is more surprising, although Dionysius was a man endowed with such sanctity and learning, for he himself expelled the errors of the Chiliasts, and denounced the books of Nepos, the Bishop; he was the first to defeat the heresy of Sabellius, and informed Pope Sixtus about it; he most successfully argued against the Novatians, and soon predicted that Fabian of Antioch would fall into the same error; he even refuted Paul of Samosata, the Nepotians, and other heretics; and yet, (as Eusebius reports), the faithful, when they learned that Dionysius was examining the books of heretics, were greatly scandalized; indeed, they accused him of this before the Pontiff, and the Pontiff rebuked him, and forbade him to continue reading the works of heretics, where it would cause offense to his own.

[*Latin ed. p. 676*]

Furthermore, Socrates narrates in his *History*, book 6, chapter 13, that Theophilus, Patriarch of the same Church of Alexandria, a most learned man, after reading the books of Origen concerning principles (which he himself was the first to condemn), not only was rebuked by his own [fol-

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lowers], but was condemned in a Council, where the excuses presented by him were in no way admitted.

VI. From the very beginnings of the Church, it was forbidden, even without any special prohibition being issued, to read (at least, speaking generally) any work written by a heretic, simply because such a work was known to have been written by a heretic. Thus, Saint Gregory answered to Anastasius, Patriarch of Antioch, who was asking whether all the works of a certain heretic, once he was condemned, should immediately be condemned? See Cardinal Petavius, volume 1, page 8, concerning the Constitution of Gelasius. "Indeed, etc."

Furthermore, when a codex containing certain errors contrary to the faith was found in the house of a certain Athanasius, a presbyter and monk in Isauria, John, the Bishop, condemned the codex and expelled him from the monastery, and sent the proceedings to Saint Gregory, who approved of the matter; but when Athanasius asserted that he had read it unknowingly, Gregory granted him permission to return to the monastery, but expressly forbade him from reading that work, Saint Gregory, letter to Athanasius, 64, book 3, section 164. From this, the Editors from the Congregation of Saint Maur, volume 2, of the works of Saint Gregory, note that the power and discipline of prohibiting books was already present among the Roman Pontiffs, and that even the Patriarchs of the Eastern Church and others were bound to observe this.

VII. From this also, it is derived that those who had read or possessed the books of heretics were always considered to be suspected of heresy, and could be punished as such. See Archbishop John Andrew, etc., in chapter "Filii," concerning heretics, book 6; Ananias in chapter "Episcopus," concerning heretics; Rojas Sing., in *Fav. Fidei*, section 124. And it is demonstrated by learned men that in the early centuries of the Church, all the writings of heretics were condemned to the flames, so that everything perished, and that almost all the names of the heretics would not be known today, were it not that the Fathers of the Church remembered them. Where are the countless books of the Arians that filled the East? Where are the more extensive writings of Apollinaris, Celsus, Manes, and the Gnostics? Concerning all of these, what was done is what the Fathers of the Council of Constantinople II, chapter 1, said: "Indeed, the unrestrained tongues of heretics, and their most wicked writings..."

[*Latin ed. p. 677*]

To those who consort with the devil of lies, we say: You all kindle an easily extinguished flame; you walk in the light of your own fire, and through the flame which you have ignited. VIII. It must also be diligently noted, as Baronius recounts in the annals for the year 490, from number 21 to 47; Cardinal Albitius, in *De Inconstantia in Fide*, chapter 50, number 155; Braschius, in *De Libertate Ecclesiastica*, volume 3, chapter 26, number

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13; Ludovicus Bail, in *Summa Concilii* concerning the Second Council of Lyons, at the end; and others, namely, that from the earliest centuries of the Church, it was the custom for anyone to submit their books to the examination and censure of the Supreme Pontiff, as is testified by Cæsarius of Arles, Saint Honoratus, Gennadius, and others in the West. The Bishop of Possessor also did so, who, when he did not deign to respond concerning the codices which he had sent to Hormisdas for examination and correction, rebuked him thus: "I remember having sent a codex containing explanations of the epistles of Saint Paul, for which I have not deserved to receive a response." Therefore, I also implore you, that I may deserve to attain the prerogative of your blessing through a fitting response. *Epist. ad Hormisd.* among the Epistles of Hormisdas. Anselm also did so, as is evident from his Preface to Urban II, in his book *De Fide Trinitatis*, etc. The same was done by Saint Augustine, concerning his books against the Pelagians, which he sent to Saint Boniface. The Eastern writers also did so, as Dionysius of Alexandria, Joannes Orthodoxus, Photius, and others attest; for example, Eulogius, Patriarch of Alexandria, submitted his writings to the censure of Saint Gregory, as appears from the Epistles of Gregory himself, *Lib. 8, Indict. 3, Ep. 55 and 42*. IX. Furthermore, among the writings of Abbot Joachim, a document was found, written by his own hand, dated in the year 1200, in which these words are read: "Due to the urgency of the times, I have not yet been able to present the aforementioned works, except for the book of Concord, to the apostolic summit, so that they might be corrected by it, because I undertook to write them under the condition that, since it has been given to everyone to teach in every way, I would present them." "If it should happen that I depart from this life before I can, I ask, on behalf of God, all my fellow monks, and superiors, and by the authority which I seem to possess, that those who have this present writing or a copy with them, and, as if for a testament, have collected all the works (as much as they can), leave copies in safe custody."

[*Latin ed. p. 678*]

These [writings] should be presented to the apostolic examination, receiving from the same See correction, or approval, rejecting what it rejects, and accepting what it accepts, etc. In the writings of Natalis Alexander X, it is stated that Saint Julian, Bishop of Toledo, around the year 685, subjected the writings of Benedict II to examination. He presented his defense against the detractors of the Sixth General Council; the Pope disapproved of certain things in it. However, after Julian had explained these matters correctly again, and had sent the work again with an explanation to Pope Sergius, Sergius approved the work, and ordered it to be read by others. This is found in the writings of Natalis Alexander, History, section 7, chapter 3, article 22. Baronius, in the year 1186, number 26, recounts the story of a certain Gothofrid, who was a notary to Conrad III, Frederick I, and

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Henry VI. Although this man was in the court of these princes, who were so opposed to the rights of the Church, he nevertheless held it to be the proper duty of the Roman Pontiffs to recognize and approve books. But it is better to hear Gothofrid himself, who, in the preface to his historical work, which he sent to Pope Urban III in the year 1489, wrote as follows: "If any historical work is completed, it is fitting that it be presented to the apostolic examination before it is made public. Therefore, I have presented this small work before your examination, so that if it is approved by you, it may be sent to other Churches." Furthermore, the Fathers of the Synod of Soissons in the year 1121 decreed that the writings of Peter Abelard should be considered condemned, because they did not appear to have been commended by the authority of the Roman Pontiff or the Church. As Peter Abelard wrote in his letter 1 to Anicius. Thus, also, Pope Nicholas, when he received the writings of Scotus Erigena, which contained the works of Saint Dionysius, Saint Maximus, and others, without the approval of the Church, rebuked him severely, saying: "Because, according to custom, they should have been sent to us, and approved by our judgment." And therefore, he ordered that those writings be sent immediately. Finally, to prove this, one decree of Nicholas I is sufficient, in canon 5 of the Roman collection, district 19, where it is said: "By the decree of the Roman Pontiffs, the works of others are approved or disapproved." XI. Therefore, the Roman Pontiffs have always held the office of judging all books, but when the number of books increased greatly, Pope Leo V, in the year 1515, by a constitution approved in the Fifth Lateran Council, and then confirmed by the rules of the index, decreed that books of every kind should not be circulated without a license.

[*Latin ed. p. 679*]

...under penalty of the loss of books, and suspension, and excommunication for publishers; and if, after a year, they remain under excommunication, they shall be severely punished. And it should be noted that the aforementioned constitution of Leo is already found recorded in the archives of the royal jurisdiction in the Kingdom of Naples, as reported by Bartholomew Chioccarellus, Archiv. Reg. Jurisd. vol. 47, title 7. CHAPTER III. It is further shown that it has always been the chief and proper duty of the Church to condemn harmful books; and that the Church has always exercised this jurisdiction. I. In the 4th century, the Council of Nicaea in the year 325 condemned the writings of Arius; Nicephorus, Hist., book 8, chapter 18, and afterwards Constantine ordered that anyone who had not immediately destroyed any book written by Arius should be punished with death; Socrates, Hist., book 1, chapter 6. The Fathers of the so-called pseudo-council in Tyre, around the year 356, deposed Marcellus of Ancyra because he refused to agree with the sentences of condemnation of his books, nor to deliver them to the flames. Socrates, ibid. Theophilus,

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Bishop of Alexandria, in the year 385, was the first to condemn the books of Origen, and forbade his own people to read them, about which he was later highly praised by Jerome, Epiphanius, and Pope Damasus. However, although the works of Origen had been read everywhere with great approval until then, some monks in Palestine said that if any errors were found in the books, they had crept in from an outside hand into the writings of Origen; hence, they argued, the rest should not be condemned for those errors. However, Theophilus, as reported by Sulpitius Severus, Dialogue 2, forced the reluctant to condemn everything along with the harmful, for the sake of proper authority, because there were already enough books that the Church had accepted; adding that the reading that was more harmful to the ignorant than beneficial to the wise should be utterly rejected. II. St. Epiphanius, likewise, with a council of 19 bishops...

[*Latin ed. p. 680*]

In his own island, he condemned the books of Origen, and forbade the reading of his own. Finally, Pope Anastasius likewise condemned them. See St. Jerome, Epistle 78, to Pammachius. Baronius, in his annals for the year 402, number 12, states that only the patriarchs of Origen were condemned; but Severus, Palladius, Sozomenus, Jerome, and others openly contradict this, saying that all the codices of Origen were prohibited. These same books were subsequently ordered to be burned in the middle of the sixth century by Justinian, at the request of the Church, and despite the objections of many, he insisted that the decree of condemnation be fully enforced. In the same sixth century, the Council of Cartagena (but more correctly, the fifth) in the year 398, decreed thus: "A bishop shall not read the books of pagans; but those of heretics, if necessary, and at the appropriate time." This is reported in *c. Episcopus*, dist. 57. Around the same time, St. John Chrysostom forbade the works of Montanus and handed them over to the flames. See Nicephorus, *History*, book 8, chapter 18. In the fifth century, Pope Innocent I, in his letter of the year 418, condemned the works of Pelagius and Celestius. Furthermore, in the year 431, the Fathers of the Council of Ephesus, after condemning all the books of Nestorius, as recorded by Liberatus in *Brev.*, chapter 10, anticipating that there would be obstinate men who would disregard the censure, in a synodal letter, they requested Emperor Theodosius to punish those who contradicted with his authority: *Epist. Synod. Conc. Ephes. ad Theod.*, Act 2. And therefore, Theodosius, and later Valentinian, ordered that the obstinate be compelled, not only by the publication of their goods, but also by the penalty of death, as is stated in *l. Damnato*, chapter on heretics and Manichæans, and in *l. Jubemus*, chapter on the Summa Trinitatis. Subsequently, when the Nestorians attempted to circulate the books of Diodorus of Tarsus and Theodorus of Mopsuestia, in which the errors of Nestorius were largely contained, Cyril of Alexandria and Acacius, Metropolitan of Armenia, convened syn-

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ods and condemned these books, taking care that the faithful should not possess them. Liberatus, in *Brev.*, chapter 10. Also, in the year 451, the Council of Chalcedon, Act 2, condemned the books of Eutyches; and at the same time, it also decreed that all the books of the Manichæans should be handed over to the flames. Platina, apud Braschium, in the aforementioned place, and therefore, Emperor Marcian condemned those who disregarded these canons with the penalty of deportation; and if, afterwards, they taught impious doctrines.

[*Latin ed. p. 681*]

By the penalty of death. This is found in the Acts of the Council of Chalcedon, Act 3, and also in Baronius, under the years 418 and 419. IV. In the same fifth century, St. Leo again condemned the books of the Manichaeans, as St. Prosper recounts in his Chronicle, under the year 443, writing thus: "The diligence of Pope Leo is known, who, having extracted the secrets of the Manichaeans and made them public to the eyes of the entire Church, exposed the wickedness and condemned all of their doctrines, and revealed them, and the books of theirs were burned, and many Eastern priests imitated the industry of the leader." The same St. Leo wrote: "It must be taken care of, and the utmost diligence must be exercised by the priests, so that false codices are not used in any reading." But the apocryphal Scriptures are not only to be forbidden, but to be burned with fire... Therefore, if any bishop does not forbid apocryphal books to be kept in houses, let him know that he is to be judged a heretic; for if he does not turn others away from error, he demonstrates that he himself is erring. Epistle 15, also 93, chapter 15. Edition of Venice. The same St. Leo, as is read in his response to St. Turribius, condemned the writings of the Apollinarians, and the Bishop of Asturga (who, however, had already recovered from the error), saying thus: "But let no one presume to use these things as Catholic, nor be considered among the Catholics, whoever uses writings that are condemned, not only by the Catholic Church, but also by their own author." V. In the same fifth century, a famous decree concerning the censorship of books is believed to have been issued, attributed to Gelasius. Baronius, under the year 69, number 4, with some others, believes that Damasus was the author of that decree, while Gelasius was the promulgator; but Personius, in his "Vindication of Ignatius," Book 1, chapter 4, from an ancient codex, brought from England by Lanfranc from the Abbey of Le Bec-Hellouin, reads the title: "The Decree of Pope Gelasius concerning the books to be received, and those not to be received..." which were written by him with 70 most learned bishops. And the same is confirmed by Gratian, Lupus of Ferrara, and others, with Pope Nicholas, Epistle 42 to the Bishops of France. Lupus of Ferrara, in his epistle to Charles the Calv, at the end of Gratian, chapter "Concerning the Holy Roman [Church]," Dist. 15. A certain codex at Baluzius does not contradict this, in which that decree is attributed to

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Pope Hormisdas, for, as the same Baronius, Pagius, Cardinal Noris, and others recount, Baronius, under the year 420, number 21; Pagius, there in his "Critique," under the year 494, number 4; Noris, in the "Cenotaphs of Pisa," dissertation 4, section 1; P. Orsi, "Ecclesiastical History," under the year 494, the same Hormisdas writing to...

[*Latin ed. p. 682*]

The Bishop, as possessor, asserts that a decree had long existed, stating: "That the Catholic dogmas (in that decree) are enumerated, and certain books, even ancient ones, are to be received in authority." In the decree of Hormisdas, it is written: "Not only were the writings (namely, those of the heretics) rejected, but they were removed from all the Roman and Apostolic Church, and their authors are eternally condemned with an unbreakable bond of anathema." Abbot de Fleury writes in Volume 19, Orations 7, concerning the History of the Church, number 13, and in Volume 7, page 64, that in that decree, a simple direction for caution was given, and not a precept of prohibition, because there are no censures or penalties imposed therein. But this is incorrect, for the word "removed" clearly demonstrates that those writings had already been condemned by the Church. How, then, can Fleury assert that no censure was imposed in that decree, when it is written therein, "Under an unbreakable bond of anathema"? Furthermore, Clement VIII, in the constitution *Sacrosanctum*, issued on October 17, 1595, testifies that Gelasius had already condemned the holders of those books under censure. Moreover, the Fathers of the Council of Trent, as reported by Cardinal Pallavicinus, *Hist. Conc. Trid.*, part 2, chapters 18 and 19, argued from the writings of Gelasius that it was not necessary in a decree on the prohibition of books to cite the authors whose books were to be prohibited. Another author, namely Van Espen, part 1, title 22, concerning the Congregation of Cardinals, chapter 4, number 2, says that in the aforementioned decree, only the matter of public reading was addressed, and not of private reading. But here too, he is incorrect, for in the decree it is stated, "When these have come into the hands of Catholics"; does not everyone see that here, even the matter of private reading is being discussed? VI. In the 6th century, in the year 536, the Fathers of the Council, under Menna in Constantinople, condemned the books of Severus, Peter of Antioch, and Zoara, saying: "We reject and anathematize all that they have written." And then they requested that the Emperor strengthen the canons concerning this matter with his sanction. At the same time, Pope Vigilius condemned the writings of Theodoret against St. Cyril; also, the books of Theodorus of Mopsuestia, and the letter of Ibas; and then, in the year 555, those books were delivered to the flames at the Second Council of Constantinople, and all copies of them, if any were found afterward, were

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prohibited under excommunication. Concerning books, also...

[*Latin ed. p. 683*]

In the Council of Braga, held in the year 563, it is written (there, in canon 17): "If anyone reads, or defends, the Scriptures which Priscillianus corrupted according to his perverse error; or the treatises of Dictynna (which he himself wrote, before his conversion), let him be anathema." Similarly, in the Third Council of Toledo, held in the year 589, it is decreed: "It is fitting that all the books of heretics be given to the fire." (Baron, ad ann. 589, n. 44). In subsequent centuries, in the year 649, in the Roman Council under Martin I, canon 18 stated: "If anyone does not reject, and anathematize with both mind and mouth, the most infamous heretics (namely, Theodorus of Pharan, Cyrus, Sergius, and Paul Pyrrhus), together with all their impious writings... let him be condemned." And in Act 4, the writings of Menna, and of Pope Vigil of the single will of Christ, were condemned and prohibited under anathema. And in the Trullan Council, in the year 692, canon 63 decreed that certain apocryphal histories of martyrs were to be proscribed and delivered to the flames. Furthermore, in the year 745, Saint Boniface, Bishop of Mainz, convened a council as a legate of the apostolic see, and by his authority, the writings of the impious Adalbert were burned. Finally, Pope Zachary, confirming this in the Roman Council, said: "It has been wisely provided by your holiness that all of his writings be consumed by fire." (Baron, ad ann. 745, n. 56). Also, in the Second Council of Nicaea, in the year 787, certain books of the Iconoclasts were proscribed, with these words: "Anathema to those books, and to those who read them." (There, Act 2, VII). In the ninth century, Pope Nicholas, when asked by the Bulgarians what should be done with the books brought by the Saracens, replied: "Since they are harmful and blasphemous, they should be delivered to the fire." (Epist. ad Bulgar.). Moreover, Pope Adrian wrote to Emperor Basil in the year 869: "We decree that all copies of Photios should be taken from their owners and burned; and that not even a single page should remain with anyone, unless perhaps someone, struck with an anathema for the dignity of the entire Christian name, should wish to retain it." "Let your zeal also be kindled, etc." Thus, the Pontiff continues, urging the Emperor to compel the disobedient with his own decrees, under penalty. (Beyerlink, verb. Dedecus, lit. f.). The Council of Toulouse, in the year 860, canon 4, confirmed canon 4 of the Third Council of Valencia, which decreed concerning the books of the Scot Erigena: "We utterly condemn them from the hearing of the faithful, and we order that such writings, and similar ones, be avoided."

[*Latin ed. p. 684*]

By the authority of the Holy Spirit, we forbid it. Pope Leo IX, in the year 1050, in the Council of Vercelli, likewise condemned under an anathema

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the book of Scotus concerning the Body of Christ. Pope Honorius III, in the year 1225, confirming the acts of the Council of Sens, condemned another book of the aforementioned Scotus concerning natures. Lanfranc, *de corpore domini*, chapter 4. Furthermore, in the Roman Council under Pope Nicholas II, in the year 1059, Berengarius, after his errors had been refuted, was compelled to bring forth all of his own books and the books of others, which were all burned. Lanfranc, *loc. cit.* In the Council of Soissons in the year 1121, Peter Abelard was compelled to commit his own writings to the flames with his own hands. Pope Innocent II decreed that whoever possessed the books of the aforementioned Abelard, and of Arnold of Brescia, should immediately burn them, as is stated in the Lateran Council at the end. The same decree was given in the year 1140, in the Council of Sens, as stated by Saint Bernard, epistle 113, to Cardinal Yvo. The same was decreed concerning the books of Gilbert Porreta by Pope Eugene III, in the Council of Rheims, as reported by Geoffrey, saying: "The Lord Pope, with apostolic authority, condemned those chapters themselves, strictly forbidding anyone to dare to read or copy that same book." Geoffrey, *ap. Gravel. tom. 1. Hist. part. 4. Coll. 4. et ap. Nat. Alex. t. 15. p. 77. VIII.* Likewise, the Parisian Council in the year 1204, condemned the books of David of Dinant: "Those books," says Rigord, "concerning the deeds of Philip," are found in Petavius, in the prologue, chapter 3, number 8, and in Natalis Alexander, volume 16, page 456, and were ordered to be burned; and under the penalty of excommunication, it was decreed in the same council that no one should presume to write, read, or possess them in any way whatsoever. In the Council of Toledo in 1229, it was forbidden for laypersons of any kind and status to possess, during heresy, any book of Holy Scripture, except for the Psalter and the Breviary. Council of Toledo, Statute 13, as found in Harduin, volume 7, Collect, column 178. And since it is the practice of heretics to translate the Holy Scriptures into the vernacular language, so that they may afterward give their own erroneous interpretations to those learning from them, therefore the Council of Béziers in the year 1245 (chapter 36) forbade all books of Scripture translated into the common language. The same was decreed by the Councils of Jerusalem, Mechlin, Cambray, and others, which can be found in the book published in Paris in the year 1661, by order of the Gallican clergy, under the title: "Collectio Aucto-."

[*Latin ed. p. 685*]

Those who, by profession, have condemned translations of the Holy Scriptures into the vernacular language. On this matter, there is also a fourth rule concerning the Indians. Furthermore, Pope Clement XI condemned proposition 79 of Quesnelle, which stated: "It is useful and necessary at all times, in all places, and for all kinds of people, to study and know the spirit, piety, and mysteries of the Holy Scriptures." Moreover, the Chancellor of Paris, and the Doctors governing, at the command

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of Gregory IX, publicly burned the Talmudic books. Nat. Alexand. Vol. 16, p. 41. The same was decreed by Clement IV, Honorius IV, John XII, and others. See Sixtus Senens, Book 2, Vol. 1, p. 202, and from the Jewish library alone, which was in Cremona, twelve thousand copies were burned. Furthermore, Julius III, by Constitution 23, ordered that all Jewish codices be taken from their houses and burned; Clement VIII, by Constitution 20, deprived the Hebrews of the ability to read them, still allowing only the Inquisitors and Legates *a latere* to do so. In the year 1256, Alexander IV, in the Constitution *Romanus Pontifex*, forbade anyone from possessing the writings of William of Saint-Amour, and ordered that they be burned within eight days; and all obeyed. See William of Nangis, in the Life of St. Louis, year 1225. Similarly, Peter, Archbishop of Tarragona, by the authority of Alexander V, in the year 1260, condemned the books of Lawrence Lully under an anathema; and when, in the year 1376, Gregory XI confirmed the prohibition, the King of Aragon asked the Pope to have the work of Lully re-examined by the Bishop of Barcelona; but despite this, the condemnation remained, and the king yielded to it. Also, Thomas Arundell, Archbishop of Canterbury, at a provincial council convened in Oxford in the year 1408, forbade, under excommunication, anyone from reading or possessing any book that had not first been approved by the Oxford or Cambridge academies. Similarly, John XXII, at the Roman Council in the year 1515, condemned several books, instructing the Bishops to ensure that all of them were burned. See Labbe, Vol. 1, Councils, Part 2, and Nat. Alexand. Vol. 16, p. 251. The same mandate was renewed by the Council of Constance in the year 1415. Given these facts, I cannot understand how some can assert that the Church is only concerned with...

[*Latin ed. p. 686*]

CHAPTER IV. The objections of adversaries, by which the prohibition of books instituted by the Church is impugned, are refuted.

I. Various individuals raise various objections. Some absolutely assert that the prohibition of books is inherently harmful and unjust. Others concede that it pertains to the Church to exercise judgment concerning books, but maintain that it does not pertain to princes to prohibit their reading, nor to burn them. Still others concede that the Church can indeed condemn books and prohibit their reading, but they believe that the prohibitions issued by the Church in these times are entirely irregular and deviate from the proper order, and therefore cannot bind consciences. Let us examine each of these points individually.

II. Therefore, they object: I. That the prohibition of books is unjust, citing the words of the Apostle: "Prove all things; hold fast that which is good." 1 Thessalonians 5:21. Thus, they say, the Church of Rome errs rashly in prohibiting the reading of books, since each person has, by the Apostle's

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command, been given the right to examine books, to retain what is good in them, and to reject what is bad.

III. They confirm this with the authority of St. Jerome, who, when accused by others of publishing the works of heretics, responded in this way: "If anyone murmurs why I read the writings of those whose doctrines I do not accept, let him know that I readily heed the words of the Apostle: 'Prove all things; hold fast that which is good'.... Why do my friends wound me, and why do the coarse boars grunt against me in silence? My purpose is to read the ancient authors, to examine each thing, to retain what is good, and not to deviate from the faith of the Catholic Church." *Ep. ad Miner. et Alexandriæ*.

Furthermore, they cite examples and sayings of Theophilus and Dionysius, Bishops of Alexandria: Theophilus, when rebuked for reading the writings of Origen, replied: "If I find anything good in them, I retain it; but if I see anything thorny, I pass it over as a thorn." Also...

[*Latin ed. p. 687*]

Dionysius was likewise rebuked for reading the writings of heretics, and while uniting himself with God in prayer, he heard a heavenly voice saying to him: "Read all that comes into your hands; for you will be able to expound and to test all things." From this, Dionysius read, and wrote to others (perhaps even those who were rebuking him): "I have received this vision, as being in conformity with the apostolic voice." (Euseb. Hist. l. 7. c. 7. IV.) It is added that Hormisdas, the Pope, did not condemn the reading of certain books, but rather praised them, because otherwise errors could not be refuted, nor avoided, and thus he said: "And yet, diligence that runs through many things is not disapproved, but the mind is turned away from the truth." Often, instruction is provided concerning these matters, of which even his rivals are convinced. It cannot be said that we know what to avoid, and therefore those who do not read incongruous things are not to blame, but rather those who follow them. If this were not so, that Doctor of the Gentiles would never have acquiesced in announcing to the faithful: "But prove all things." (Epist. 70 ad Possessor.) And even Gelasius, in the aforementioned decree, at the same time that he was condemning certain works, noted there: "But since these have come into the hands of Catholics, let the judgment of the Apostle Paul precede: 'But prove all things.'" From this, Fleury and Van Espen infer that the Popes, and even Gelasius himself, condemned certain books, not so that their reading would be prohibited, but so that they would be read with prevention and caution; because, as they say, a rigorous prohibition can be harmful, since such a prohibition drives the uninhibited even more towards reading; and, on the contrary, it deprives those of sincere heart of the ability to note and refute the errors that lurk within.

V. It is answered. And first, concerning that text of the Apostle, "Prove

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all things, etc.," commentators commonly explain it as follows: Estius, Cornelius à Lapide, Ugone, Natal. Alexand. Tirino, and others; namely, that all things which are doubtful and uncertain require examination and testing, as were certain prophecies, about which the Apostle had spoken in the preceding verse, where he said: "Despise not prophecies." The blessed Paul wanted these to be judged, whether they were true or false; for long ago the Lord Himself had commanded (Deuter. 13. 5.) that false prophets should not be heard by the faithful; and Tertullian miserably fell into heresy, because of Montanus, Tom. X.

[*Latin ed. p. 688*]

And he had dreams like those of insane women, as if he had prophesied. Therefore, Estius says, the Apostle did not speak those words concerning all doctrines, but only concerning those which were newly brought forth by brothers, and which had not yet been approved; for these ought to be judged, according to what the same Paul commanded to the Corinthians in his letter: "Let two or three prophets speak, and the rest may judge." (1 Corinthians 14:29). But those things which were delivered by him, or by others, to the Apostles, are not to be judged, but are to be held; as in 2 Thessalonians, chapter 2, he says: "Now our Lord Jesus Christ himself, and God and our Father, who hath loved us and hath given us everlasting consolation and good hope in grace,." And in 1 Corinthians 11: "I praise you that you remember me in all things, and that you hold fast the traditions as I delivered them to you." Furthermore, Natalis Alexander says: "To examine the doctrines of books is not entrusted to everyone, but only to Bishops, whom the Holy Spirit has appointed to the Church of God, and especially to the Supreme Pontiff, the Vicar of Christ, and the supreme Pastor of the whole flock of Christ." But wicked books are not condemned by the Church except after careful examination; therefore, no other judgment should be expected concerning those works which the Church has already judged to be disapproved.

VI. Concerning Saint Jerome, it is certain that the holy Doctor himself constantly condemned the reading of wicked books; for in a certain letter, he himself wrote: "Read the treatises of human doctors, but only those of those whose faith is known; you do not need to seek gold in the mud." (Letter 10 to Furius). And Marianus Victor, noting this letter, wrote thus: "Everywhere the most holy man urges us to abstain from the writings of heretics and apocryphal books; and he disapproves of the method by which it is pretended that gold can be found in the mud." Furthermore, Saint Jerome highly praised the decrees of Eusebius and Dionysius of Alexandria, by which the faithful were kept away from the books of Origen. Furthermore, Jerome himself was the author of the suppression of the same books of Origen by Venerius, the Bishop of Mediolanensi, and by the Pope Anastasius, whose decree he himself subsequently spread

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everywhere. (Saint Jerome, Letter 78 to Pammachius). He himself also praises Pammachius, who, after reading the principles of Origen, was horrified, and put them away in a chest, lest they wound the minds of many who would read them. (Saint Jerome, Letter 89 to Avitus). Finally, he testifies that he never showed anyone the copy of Origen which he himself had translated, from which the commentator notes: "Let those who hear these things take heed."

[*Latin ed. p. 689*]

Heretics insist that their books should be read widely, and they disregard the salutary prohibition of the Holy Church; for even poison, when drunk from a golden cup, always does harm. St. Jerome writes elsewhere: "It is better to know nothing than to learn something with danger." *Reg. Monach.*, vol. 9, edition of Cologne, p. 198. Elsewhere, to pass over other matters, he warns most seriously: "No one sends his daughters to a brothel, even though some might be found there lamenting their shameful corruption; no one entrusts his heir to a den of thieves, so that he may learn audacity; no one enters a ship with a hole in its hull, so that he may learn about shipwreck; and do you, with your soul, direct [yourself] to a place full of heresies, to that volume, so that you may learn the Catholic truth there?" The same St. Jerome, in Sixtus Senensis, book 2, vol. 1, VII. If it seems that the Holy Doctor held a different opinion in that one place, which was objected to by his adversaries, this should be excused by his excessive zeal, which was sought after by Rufinus and others. Hence, there are those who reproach Jerome for reading such things. See Christian. Lupum... And he himself still confesses that he was rebuked by the Lord for such a thing, and even scourged. St. Jerome, in *Reg. Monach.* Others write that Jerome read any books that were necessary for the Church, and that he did so at least with the tacit permission of Damasus and other Pontiffs. Furthermore, it must be known that at that time, a great controversy arose among the bishops regarding whether the works of Origen should be permitted or prohibited. The Bishop of Alexandria, Theophilus, and Epiphanius of Salamis in Cyprus, denied it, although their decrees were only particular for their own Churches. Eusebius, who at that time was presenting his *Apology* for the books of Origen, affirmed it, as did Chrysostom, Theotimus, Cassiodorus, and others, and also Jerome himself, provided that the books were read cautiously and by a few experts. Add to this that the reading of these works had not yet been condemned; who doubts that, if it had been forbidden by the Church, Jerome would have obeyed the Church? VIII. As for Theophilus of Alexandria, the Patriarch, it is answered that, although he said that he was free from all reproach, because he behaved cautiously in the reading of the books of Origen, and that he condemned everything that seemed wrong; nevertheless, Socrates, *Hist.*, book 6, chapter 17, states that Theophilus was nevertheless condemned by the Council, and that his

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excuses were not admitted.

[*Latin ed. p. 690*]

Therefore, if this Patriarch was condemned because he read books that were already prohibited, everyone can see what the opinion of the Orientals was regarding the reading of books that had already been condemned. But what the adversaries bring up concerning Dionysius, it confirms their case far less than it helps it. Read again, kind reader, what we said about this in chapter II, paragraph 5, where we stated that Dionysius did not dare to read the books of heretics, except with divine vision and confirmation; and nevertheless, he was still accused by his own people before the Pope, who did not fail to reprimand him about this, and forbade him to continue such reading. What a strange thing! In those early centuries of the Church, when there were very few commentators on the Holy Scriptures, if even a Patriarch, who had read the works of some great interpreter who had fallen into some error, it was a scandal to the faithful, and he was reprimanded, and reported, and condemned; and today, when we have the Holy Fathers, and many commentators, in whose works, more than in the books of heretics, the truths are elucidated, there are people who accuse the Church for forbidding the reading of books that are harmful to its innocent sheep! IX. The writings that Hormisdas opposed to us are of little consequence: for the Pope could not ignore the tradition of the Church, the canons of the councils, and the decrees of his predecessors, namely those of Leo, and of other Popes, and much less the decree of Gelasius, which Hormisdas himself commends in the very same letter. Moreover, he himself notes there that the books of Gennadius are not received by the Church. Furthermore, he himself restrained the faithful from reading the books of Manichaeus, and of other heretics. See Platina in Hormisdas, apud Beyerlink. Verb. Dedecus. But what Hormisdas wrote to Possessor, namely, "Those who do not read incongruous things are not to blame, but those who follow them," he wrote that without prejudice to the prohibition of the condemned books. In fervent Constantinople, there was a great controversy regarding the book of Gennadius, and Possessor, the Bishop, could well have read it, even if he knew it was condemned; since the Council of Cartagena (as we said above) had, not long before, decreed that Bishops could read the condemned books of heretics, for necessity and for a time: how much more, therefore, could Possessor have read it, at a time when the book...

[*Latin ed. p. 691*]

Gennadius had not yet been condemned. However, Augustine himself was reluctant to read his works, being too scrupulous in this matter; but he was rebuked by Hormisdas for this, because of the Apostle's admonition: "Prove all things; hold fast that which is good" (1 Thessalonians 5:21); for

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it is necessary that pastors examine certain things, and then instruct the flock about what they ought to hold and what they ought to reject. To say to adversaries that a strict prohibition of books cannot be anything but harmful, because it drives the unprincipled to read them more eagerly: this argument contradicts all of the Church's teachings, indeed, the very commandments of God. Truly, this is the miserable condition of men, that they desire to indulge in forbidden things more eagerly, according to that common proverb: "Prohibition begets desire." But this does not happen, as Chrysostom says, Hom. 10 in Epist. ad Rom., because of the nature of the law, but because of the weakness of those who are subject to the law. Augustine said: "Prohibition increased the desire," Serm. 4 de Verbis Apostoli. And elsewhere: "That very thing which is desired becomes more pleasing when it is forbidden." Ibidem c. 10. But what of it? Will just precepts therefore be harmful, and will it therefore be permissible for men to do whatever they please? The ridiculous argument was first proposed by the presumptuous Peter Soave; but it was excellently refuted by Cardinal Pallavicinus, who said that although the reading of harmful books is in itself forbidden by nature, yet the prohibition imposed by the Church is very beneficial in avoiding falls: "For (these are the words of Pallavicinus) greater sins are avoided when they are shunned, while countless people, by obeying the prohibition, remain free from evil that they would inevitably suffer from such a reading." It is not enough, in practice, to leave this matter to the conscience of each individual, who should consider whether such a book will lead him into temptation, and therefore is obligated not to use it. This danger is little known, if not late, and by bitter experience. The contents of many works are unknown to many before they are read. Therefore, men place too much trust in their own knowledge, and too little in their own power: each one persuades himself that he will not be deceived by any seducer, that he will not be ensnared by any trap. Histories that recount what once was, and fables that represent what often is, are full of examples, which teach how presumptuous men are in this matter before the fact, and how weak they are in the fact; without that the pro-

[*Latin ed. p. 692*]

The reading of bad books brings with it two other salutary and considerable effects: one is that the fear of this authentic censure deters many from writing or publishing them; the other is that by hindering their sale, it dissuades printers from printing, and booksellers from buying; thus, the noxious weed, for lack of cultivators, gradually thins out and dies; and writers, printers, and booksellers are encouraged by the lure of profit to devote themselves only to profitable works (1).

Although, at times, it may be beneficial for a pious man to read a book marked with errors, nevertheless, (speaking generally) it is more advantageous to keep men away from such reading, so that the danger of illusions

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may be avoided, or at least, so that libertines may not be led by their example to read those things which could easily be a cause of their downfall.

XI. Objection II. It is objected that by the prohibition of books, and even more so by their very burning, the republic is harmed, and therefore many suffer a loss of property and reputation; hence, such decrees can only be issued by a secular prince, to whom alone pertains the jurisdiction to exercise authority over temporal goods. They add that the Church has only become involved in such matters in recent centuries; for, as Peter Soave says, in Pallavicini, *Historia Concilii Tridentini*, book 2, chapter 18, "although the Church has always condemned bad books, nevertheless, the prohibition and burning of them have only been commanded by princes."

(1) That is to say: Greater evils are avoided, and countless men, by abstaining from reading such books out of obedience, are kept safe from sin, to which such reading would have carelessly exposed them. It is not enough to leave this to the conscience of each individual, who would consider whether such reading would lead him to sin, so that he would be bound to use it. This danger is scarcely perceived until late, and after sin has already been committed. The nature of many works is unknown until they have been read. Hence, each person, confident in his own knowledge and persuaded of his own strength, believes that he will not be deceived by any seducer, nor caught in any trap. History, which recounts both true and probable events, provides many examples of how much presumption there is in men before an action, and how much weakness there is in the action itself.

On the contrary, the prohibition of harmful books produces salutary and significant results: one is that the fear of censure deters many from composing and publishing such books; the other is that by hindering their sale, it dissuades printers from printing, and booksellers from buying; thus, the noxious weed, for lack of cultivators, gradually thins out and dies; and writers, printers, and booksellers are encouraged by their own advantage to devote themselves only to useful works.

[*Latin ed. p. 693*]

As it appears from the prohibition of the books of Arius, condemned by Constantine; of Nestorius, by Theodosius; of Porphyry, by Justinian; of Eutyches, by Valentinian and Martian; of Pelagius, by Honorius; and finally, of the Lutherans, by Charles V. It is also asserted that this Church only began to exercise this jurisdiction in the 13th century; at a time when, in the Council of Toulouse, it forbade for the first time the faithful from reading the sacred Scriptures.

XII. It is answered. As was sufficiently shown above in Chapters II and III, it pertains especially to the Church to prohibit books that offend the faith or morals, since it is especially incumbent upon the Church to remove its sheep from poisonous pastures, and we have demonstrated this jurisdic-

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tion from the earliest centuries with countless examples, always exercising it in forbidding and condemning books of harmful reading, as witnessed and confirmed by pious princes. And if at times princes have proscribed or condemned books adverse to the faith or morals, they have done so at the request of the Church, in order to compel, with their power, those who were reluctant to submit to the canons of the Church, as Constantine ordered the writings of Arius to be abolished according to the decree of the Council of Nicaea. Raynaud, *de bon. et mal.*, book 1, page 3, error 2, number 466. Barbosa, *de Off. Episc.*, page 3, note 50. Honorius condemned the books of the Pelagians, at the urging of the Bishops Zosimus and Boniface, as mentioned above; Theodosius and Valentinian condemned the books of Nestorius and of Porphyry, at the request of the Council of Ephesus; Justinian condemned the books of Severus, at the request of the Fathers of the Council of Constantinople; Basil condemned the writings of Photius at the urging of Pope Adrian, who had previously condemned them, and transmitted them from the East to Rome, where they were consigned to the flames; Louis the Pius consigned the book of Claudius of Sorino to the flames, according to the judgment of the Bishops; and the same was done by St. Louis, King of France, concerning the Talmudic books, according to the judgment of Innocent IV.

At least, all the books that have been condemned by princes were first forbidden by the Church. Thus, the books of the Eutychians, condemned by Marcian, had previously already been prohibited by the Council of Chalcedon (in which the Emperor participated). The books of Wycliffe, condemned by Richard II, King of England, had already previously been condemned by Gregory XI. And the same happened with the books of the innovators, condemned by Charles V.

Furthermore, the princes themselves confess that they have the power to safeguard the canons of the Church; thus declared King Childebert: "Because it is necessary that the people... "

[*Latin ed. p. 694*]

Those who do not properly observe the precepts of the priesthood are also corrected by the authority of the Church. The Constitution of Childebert is found in Labbe, vol. 6, Council collections, page 487. And Lewis VII, King of France: "Why is it fitting for one who reigns by majesty to declare himself a servant of God and a defender of the Church?" (as cited by Baluz in Additions to book 2 of "De Concordantia," concerning Peter of Marca). Some object, claiming that the Church can prohibit books that attack religion, but by what right can the Church arrogate to itself the power to prohibit books that treat of philosophy, or of other subjects? But the Cardinal of Lucca wisely responds: "Although the unlearned crowd often restricts this prohibition to only those books that contain matters of faith, as if those things that concern morals, or piety, or ecclesiastical power or freedom, do

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not pertain to faith; this opinion is entirely erroneous, for it is the daughter of ignorance and malice, because these are the seeds of heresy, or schism, or the roots, or the preparations [for them]." (Theatrum Veritatis et Justitiae, vol. 15, page 2, section 19, number 10). What we say is confirmed by the Decree issued on March 4, 1755, by Benedict XIV, and addressed to the Bishops of the Kingdom of Poland (see in the Bullarium of the aforementioned Benedict): there, the Pope speaks of a certain book published by Father de Borde of the Oratory Congregation in France, in which the author undermines (the words are from the Decree) the power of the Church, conferred by Christ the Lord, not only to govern, but also to command through laws, and to coerce the obstinate by external judgment and punishments, thus subjecting the ecclesiastical ministry to secular domination, so that he declares that all external and sensible governance should be understood and judged. This wicked and pernicious system was long ago condemned by John XXII in the Constitution "Licet juxta," and expressly condemned as heretical, as testified by Benedict, who again condemns the impious and heretical propositions of the aforementioned author. XIV. Objection III. It is not infrequently the case that book censures are committed by inexperienced, or malicious, and envious men, who are unable to judge matters that have been written, or who are hostile to the authors, and therefore, whether the author wrote well or poorly, they want to condemn him, as Raynaud says, in "De bonis et malis," book, page 5, error 5, number 512.

[*Latin ed. p. 695*]

And Louis Muratorius, in *Buono-Gusto*, page 2, chapter 1. And thus, the works of the venerable Bellarmine were prohibited. See Fuligo in the *Life of Bellarmine*, chapter 11. Thus also, the writings of St. Thomas were forbidden under the threat of anathema by a certain Bishop of Paris, Raynaud, in his work, number 579. Therefore, it is said that Pope Pius II advised King Charles VII of France in this manner, as reported by Launoy: "I beseech you, most beloved son, that you not always believe the doctors of the Apostolic See; grant much to their passions." Hence, it is said that in order to avoid errors and deceptions, it is absolutely necessary that, in the prohibition of books, the authors, or others acting on their behalf, be heard; for it concerns a grave matter, namely, the reputation of the author, and a not insignificant harm to him because of the already completed edition of the book: therefore, it pertains to the substance of the judgment that the accused be summoned and heard, according to the prescription of their own canons; for in the *Clementine Pastoral*, it is said: "Therefore, can a judgment be considered mature, which a judge... renders in absentia, without properly summoning and hearing the party, and consequently, without allowing him to defend himself, or is it rather a decree rashly promulgated?" The same is prescribed repeatedly and more strongly by civil laws. Therefore, the Church of Rome could not retract what the law of na-

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tions, and of emperors, the canons, as well as nature, and even God Himself, have commanded. Nor has the Church acted otherwise; for in the Council of Lateran IV, when the book of Joakim was being considered, who had departed from life, the monks on his behalf were heard. In the Council of Basel, when the book of a certain Augustine was to be condemned, the author was summoned, although he did not subsequently appear. Similarly, in the Council of Trent, since it was impossible to summon each individual author, a general summons was made through an edict concerning those whose books were being considered: and thus, in similar cases, it has been acted in the same manner.

XV. We respond: We acknowledge that errors and deceptions can occur in the condemnation of books, as in all other human judgments; but what follows from this? Does this mean that obedience to the legitimate authority is to be minimized? From this, only this can be deduced, namely, that prudent and expert censors must be chosen; and this is already provided by the Church. To strengthen this, it is necessary to explain here the proper order by which the Church proceeds with the utmost caution in the prohibition of books. In the early centuries of the Church, it was only by the Popes, or by councils, or by Bishops that harmful writings were proscribed; but when...

[*Latin ed. p. 696*]

The heretics having spread, and their books being more widely disseminated, it was judged necessary to meet these new evils with new remedies. Therefore, the Church established first the Congregations of the Inquisitors, and then the Index, to which it entrusted the examination of books, and the power to prohibit them. The first of all, Innocent III, in the year 1204, sent Inquisitors against the Albigensian heretics, who were afflicting the province of Toulouse, with the power to proceed against them, to prohibit their books, and to condemn them. This was later confirmed by other Popes for other provinces. And the same was obtained from Alexander IV by St. Louis for France, and from Pius IV by Charles V for Spain, and for his other dominions. Philip II wished that the same tribunal of the Inquisition be established in our kingdom of Naples, but the Neapolitans, who have always been most devoted to the Roman Church, and steadfast in the Catholic faith, through insistent prayers, and great effort, obtained an exemption from it, considering it unnecessary and, in some way, injurious to their fidelity. Paul III, in the year 1342, in Bull No. 34, which begins, *Licet ab initio*, established in Rome the general Congregation of the Inquisition, to which he entrusted the care of prohibiting wicked books; although the condemnation of books now belongs to the Congregation of the Index, which was established later, nevertheless, even now, the Congregation of the Inquisition prevails to such an extent that more books, of which the reading was permitted or condemned by the Congregation of the Index,

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have subsequently been condemned or permitted by the Congregation of the Inquisition. Benedict XIV, in the Bull, *Sollicita ac provida*, published on July 9, 1755 (see in Bullarium), established canons, or rather, renewed ancient ones (already established, at least in substance), concerning the best method for examining and prohibiting books. First, in the Congregation (according to the prescribed procedure), the book is given to one of the consultants, or qualifiers, who must examine it, and mark it with his censure, noting the errors. Then, the same book is given to another reviser, with the name of the first censor suppressed, so that the second may freely express his judgment. If the second censor agrees with the first, then the book is sent to the individual consultants, so that each may give his vote; but if not, a third reviser is called in. Afterwards, the book, with the censures and the votes of the consultants, is sent to the Cardinals, so that they may deliberate on the matter in the Congregation.

[*Latin ed. p. 697*]

They will pronounce it clearly. Furthermore, all matters are referred to the Pontiff, whose judgment resolves the case. Sometimes, even because of the gravity of the matter, the Pontiff orders that the judgment be held before himself.

XVII. Concerning the Index of Prohibited Books, it is to be known that when the innovators, during the preceding century (the 16th century), had filled the West with impious books, and their condemnations could scarcely reach the knowledge of the faithful, especially in Buschbell, it was necessary to draw up an Index of prohibited books. Therefore, Paul IV, in the year 1537, ordered the Inquisitors to prepare this Index, which was then completed, and in the year 1539, was published at the command of the same Paul. However, because a better method, other declarations, and the names of many other books and authors were desired in that Index, Pope Pius IV entrusted the task of preparing a new Index to the Fathers of the Council of Trent, which was then being held. The Council selected 18 Fathers for this purpose, who completed the work and presented it; but because the Fathers were very concerned about the return journey, and some had already departed, the matter was referred to the judgment of the Pontiff, along with the rules already prepared, for final resolution.

XVIII. Therefore, Pope Pius IV, with the assistance of several most learned Prelates, completed the Index, and ordered that it be observed by all the faithful, along with its rules, everywhere; and he decreed that if anyone should, after this, read or possess a book condemned because of suspicion of a false dogma, he would, by law, incur excommunication, and proceedings would be taken against him as if he were suspected of heresy; but if anyone should read books prohibited for another reason, besides the guilt of mortal sin, he should be severely punished at the discretion of the Bishops. Thus, in the bull *Dominici gregis*, issued by

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Pope Pius IV on March 24, 1564. Then, Philip II, King of Spain, in Naples, etc., on February 15, 1569, issued an edict (the edict of Philip II is found in Van Espen, part 1, title 22, chapter 4, paragraph 54, and in Haræum, in the Annals of Belgium, for the year 1560), by which he ordered that the aforementioned Roman Index, as it had been publicly published by the Pontiff, be received and observed in all his kingdoms, and that it be transmitted to all the Councils of the King, so that it might be publicly proclaimed throughout the provinces, as was done without contradiction in the Kingdom of Naples.

[*Latin ed. p. 698*]

XIX. Afterwards, when a great number of books containing pernicious teachings were being published everywhere, and the General Congregation of the Inquisition was not sufficient to examine them, Pope Pius V. (as Benedict XIV. states in the aforementioned bull, *Sollicita*) deemed it worthwhile to establish a new Congregation in Rome, called the Index, which would be solely dedicated to the task of purging the Church of harmful books; and this was confirmed by Gregory XIII, Sixtus V, and Clement VIII, who, furthermore, in the year 1394, ordered the *Index*, which had been augmented with many books and certain declarations, to be published again throughout the world; adding another excommunication against those who read the books of heretics, even if the books themselves did not contain error, unless they had first been approved, and against those who read books of Catholics suspected of heresy.

XX. It is necessary here to briefly mention the Regulations of the Index, so that it may be understood how just and necessary they are for the common good: 1. All books condemned before the year 1513 are declared forbidden, even if they are not found listed in the Index. 2. All works, whether written by heads or leaders of heretics, are absolutely forbidden; and also all other books of heretics that treat of religion; but other books of heretics may be permitted, provided they have been examined and approved. 3. Scriptures and books of controversy in the vernacular languages are not permitted, and may not be read without permission. 4. Lexicons, Concordances, Indices, and other similar works, in which almost nothing of a heretical author is found, may be permitted if approved. 5. Books that treat of obscene matters are absolutely prohibited, even if they are not found listed in the Index. 6. Likewise, all books and writings of necromancy, geomancy, hydromancy, pyromancy, homomancy, chiromancy, judicial astrology, and all other things that contain divination, witchcraft, and omens are forbidden; and against these, proceedings may be taken against those who read or possess them, as if they were suspected of heresy. 7. In the printing of Scriptures and other books, the decree established in the Lateran Council, session 10, must be observed, namely, that they must not be

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printed unless with the permission of superiors. Then, the regulations are given for the visitation of libraries and printing houses; also, instructions are given for bishops, librarians, etc. Finally, it is declared that those who read or possess a book, because of suspicion of a false dogma, are to be proceeded against.

[*Latin ed. p. 699*]

Those who are condemned, incur excommunication by that very fact; but those who read or possess other works for which they have been condemned, besides incurring the guilt of mortal sin, shall be severely punished by the Bishop. XXI. Therefore, the Congregation of the Index, as Benedict XIV declares frequently in the aforementioned bull, § 1, is to call for books for examination, concerning which deliberation must be held regarding their prohibition or permission. In this congregation, several consultants are present, and reporters selected from both the secular and regular clergy, and several Cardinals are assigned to the congregation by the Pope. Before the censure is brought before the congregation of Cardinals, another private or preparatory congregation must be held, to which six consultants attend, along with the Master of the Palace and the secretary, to whom it is incumbent to note the opinions of the consultants in writing, so that these may be presented together with the reporters' censure in the congregation of Cardinals. Furthermore, recently, the aforementioned Benedict XIV, § 9, established that when a book is being considered, if the author is Catholic, of good reputation and of a clear name, or if, perhaps, for other published books, or even for the very book being examined, it ought to be prohibited, then the long-received custom of prohibiting the book should be kept in mind, with the clause, "Until it is corrected," if that may be possible; and the publication of the decree should be suspended, so that the matter may first be communicated to the author, or to someone on his behalf. If he is unwilling to make corrections, or if no one appears, the decree shall be issued; but if corrections are made, only the previous copies shall be prohibited. Furthermore, in the following § 10, it is declared that it is not necessary to summon the authors to judgment, and therefore, book prohibitions issued without hearing the authors are to be considered the least acceptable. Nevertheless, it is desirable to maintain the practice that, frequently, this same congregation does, namely, that when the matter concerns a Catholic author of some renown, his work (after certain passages have been removed) may be beneficial, either by hearing the author himself, or by designating one of the consultants, who, by virtue of his office, will defend the work. However, § 11 adds that this rule should not be applied when the matter concerns a heretical book, in which the author deliberately presents errors, or any other work in which correct rules of conduct are undermined, and vices are encouraged. Then, it is stated that ambiguous statements of a Catholic and approved author should be inter-

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preted in a way that is favorable. But when speaking of books in which doctrines harmful to religion or morals are presented, without the author taking care to refute them,

[*Latin ed. p. 700*]

He receives (which he calls a new kind of seduction), and commands that the censors diligently attend to this, so that either such books may be corrected, or they may be placed on the Index. XXII. Finally, §. 22, strongly condemns books in which authors who dissent... (these are the words of the Pope) separate themselves from discussions, restrict the opinions of others not yet condemned by the Church, and attack their adversaries and their... groups, leading them into ridicule: this is indeed a great scandal to the good, and a clear triumph for the heretics, who... while Catholics tear each other apart. Although we understand that it cannot be that all discussions be removed from the world... it has also become clear to us that great benefit can sometimes be derived from them; nevertheless, we rightly desire that a measure be maintained in defending opinions. He adds §. 23, that this had already been prescribed by Innocent XI in a decree, where it was said: "In virtue of holy obedience... he commands that in books... as well as in treatises, etc., care be taken to avoid all censure and notes, and also from any objections against those propositions which are still being debated among Catholics, until they are recognized by the Holy See, and a judgment is pronounced upon them." Then Benedict follows: "Therefore, let the license of writers be restrained, who (as St. Augustine said in Book 12 of Confessions, chapter 25, paragraph 34, loving their own opinion, not because it is true, but because it is theirs) not only disapprove of the opinions of others, but... also criticize and slander them. It is by no means permissible for private opinions to be presented as certain dogmas of the Church in books, while opposing errors are simultaneously insinuated. To this license of writers, the Pope commands that the censors of books diligently attend to their duty, and that this censure be submitted to the Congregation of Cardinals, so that they may restrain it with zeal and authority." XXIII. Therefore, dear reader, observe how carefully and prudently the Mother Church proceeds in the examination and prohibition of such books. In response to what Raynaud and Muratorius wrote, it is replied that these authors did not speak of a legitimate prohibition, but only of some prohibition made by a certain wicked inquisitor, or censor. Furthermore, Raynaud and Muratorius themselves (Raynaud, de malis ac bon., Book, Question 2) confirm the jurisdiction of the Church in the obligation to prohibit infected books in many ways:

[*Latin ed. p. 701*]

"It has been discovered," says Muratorius, "that nothing is more pleasing to those who shepherd the flock of Christ than... to turn away from

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their fold whatever poisons, whatever wolves may approach." Therefore, who would dare to spread pernicious books abroad? ... Indeed, all books are pernicious and should be avoided, in which either the doctrine is corrupted... or justice, or charity, or prudence is lacking. In all these matters, the authority of ecclesiastical judges, and especially of the Apostolic See, and of Councils, must have a place. Furthermore, heretics should not be listened to, who are angered by ecclesiastical pastors, and who daily speak ill of the use of such a law; for they, while denying what is due to the Church and to God, consider it permissible to do in their own cities for temporary advantages. On the contrary, he strongly reproaches those censors who, driven by a desire to condemn the writings of others, easily and often unjustly denounce books with errors. However, he declares that he is not speaking of the prohibitions of books that emanate from Rome through the sacred congregations; for with regard to these, he says: "For it is now clear to us that these things should not be attributed to the Most Holy Pontiffs, nor to the highest officials of the Church. Only the tribunals, to which corrupt books are brought, and their authors, are most holy institutions. They have also been armed with the best laws." In response to the objections raised above, it is stated that, justly, a certain work by Bellarmine was indeed forbidden. However, the works of St. Thomas, if unjustly condemned by one Gallican bishop, are now commended by the Roman Church and everywhere. And if, at times, a book has been inconsiderately proscribed, this does not diminish the authority of the Church, nor does it release the faithful from the obligation of obedience; for this happens rarely, and it is far more beneficial to the common good that the reading of some book be sometimes not condemned, than that the reading of pernicious books be permitted. Furthermore, it is wrongly asserted that everything written by Pope Pius II should always be believed by the Doctors of the Apostolic See: for even Launoy (who was very hostile to the Roman Church) confesses, in Epistle 14, page 8, paragraphs 18, numbers 357 and 358, that those words were found in only one edition published in Basel in 1874, prepared by heretics; but in all other editions, both ancient and recent, it is written thus: "We ask you for only one thing, that you never believe the detractors of the Apostolic See; many..."

[*Latin ed. p. 702*]

You must assign blame to their passions. These words differ greatly from those mentioned above. Those who hold such views are Van Espen, Fleury, Dupinus, the aforementioned Launoy, and other similar authors. XXV. Regarding what the adversaries claim, namely that it is necessary to hear the authors before condemning their works, we say that this is neither necessary nor expedient, as the Fathers of the Council of Trent, in their judgment against certain bishops, had already ruled long ago; for in such a judgment, it is not a question of condemning the persons of the authors,

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but of removing the harm, or the danger of harm, to which the faithful may be subjected by reading those books. But why is the citation of the author required, when his own writings demonstrate his error? As Lewis Muratorius states in *De Ingenio Morali*, book 2, chapter 5, "Vice does not allow itself to be concealed, and it denies room for excuse; therefore, let judgment be rendered boldly, and let books be condemned even without hearing the authors." This is the medicine that is due to the Republic. Therefore, it is by no means necessary, nor is it expedient, to hear the authors, when a judgment can be formed from the books themselves, which shows that their reading is harmful or at least dangerous to others. For even if the author wrote innocently, and later is able to explain his writings in a good sense, nevertheless, the Church can and should condemn the book, if it judges that its reading will bring harm to the people. XXVI. I ask, what then would the author do, if he were to be heard? Would he say that he had spoken in a Catholic sense, or that it was not his work? If the former, it will be of no benefit to him in avoiding the condemnation of the work, if any proposition is judged to be capable of causing offense to others, even if he himself is judged innocent. If the latter, it will not prevent the prohibition, since the author is not to be subjected to condemnation, but only the faithful must be removed from reading the work; for the prohibition concerns not so much the books themselves, as the faithful who must be turned away from reading them. "It is not necessary," says Benedict XIV in the cited bull *Sollicita*, § 10, "to summon the authors to judgment, when it is not a question of considering their persons, but of safeguarding the well-being of the faithful, and of turning them away from the danger that is easily incurred by reading harmful books." If, however, the author's name should be stained by some disgrace as a result of this, then...

[*Latin ed. p. 703*]

Directly, but obliquely, one may suffer the consequence of condemnation from a book. We therefore deem the prohibitions of books, imposed by unheard-of authors, to be most reprehensible, especially since it must be believed that whatever the author might have been able to present for himself, it could not have been ignored by the judges. XXVII. But what more need be doubted about this, when it has always been so in the Church? Where judgment (the rule is) must be made concerning a person, the person must be heard; but when it is a matter of a book, the book must be heard. Indeed, what objection is there to the author himself being condemned from his own writings, when they are manifestly impious? Berengarius was accused by St. Bernard and the Synod of Sens, for having condemned Peter Abelard unheard; but against Berengarius, Natalis Alexander wisely wrote in *Hist.*, vol. 11, sect. 6, discourse 5. Anne was not convicted, whose errors were so manifest in the books published by himself? Therefore, judgment concerning persons can be rendered from writings, and thus the Church's

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method of judgment is not deficient. Martin I and the Fathers of the Lateran Council, in the year 105, decreed thus: If the knowledge of the cause is obtained from the testimonies of men, and from instruments containing proof of the crime or innocence, the Church can err. But if the question is about a doctrinal fact, and the knowledge of the cause is obtained from the books of the author who is accused of error, the Church cannot err. Furthermore, in the same Lateran Council, in the seventh century, Maximus of Aquileia spoke thus to Martin: "If it pleases your blessedness, to learn properly about these things that are proposed, through the writings presented against the faith, and which, without the person of the accuser, most clearly demonstrate the truth, therefore, the accusation from an outside source is deemed superfluous, because they are more openly accused by their own rash writings. Thus, the Lord said: 'For by thy words thou shalt be justified, and by thy words thou shalt be condemned.' Matthew 12:37. Also, against Theodorus and Origen, in the Synod of V., no accuser was present, but nevertheless, their own writings alone were sufficient to condemn them. However, when the writings are ambiguous, it is just to hear the authors before condemning them. XXVIII. It is objected to the texts cited that there, it was not about books, but about persons. Thus, Abbot Joachim and Augustine were accused not only for their works, but also for the persons themselves. And so it is with others who are cited, they themselves were cited.

[*Latin ed. p. 704*]

For it was not in the writings that the inquiry was made, but in the persons who were accused of heresy. That citation, however, was given by decree from Trident, not to render the proscription of heretical books legitimate, but only to bring the heretics and their authors to justice. That some were indeed called before their books were condemned does not establish a necessity, but only shows an equity to be observed in certain cases, as wisely suggested by Benedict XIV in the cited bull *Sollicita*, § 10, where he says: "Nevertheless, it is known that this has often been done by the same congregation; therefore, we desire that, even in the future, it be observed that when the case concerns a Catholic author of some renown, and his work (after due examination)... may be of benefit, or if the author himself wishes to defend his cause, (the Congregation) should hear him, or appoint one of the consultors to undertake the defense of the work."

XXIX. They object that the value of ecclesiastical law is not sufficient if it is only promulgated in Rome, by affixing it to the doors of the Basilica of St. Peter, or in the Campo Florio; but that it must be published throughout each province. Hence, some of our countrymen argue that the Roman Index is not binding in this kingdom of Naples, because it has not been publicly promulgated, nor accepted. And they assert the same regarding the Bull *Cænæ*, by which all who read, sell, or retain books containing heresy, or

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treating of religion, are excommunicated under a papal anathema.

XXX. It is answered that this objection is entirely unfounded in our case; for, first, as we have said above in n. 18, both Pius IV and Clement VIII ordered and decreed that the Index should be published throughout the entire world. Secondly, we have that Philip II, by an edict given on February 15, 1569 (This edict of Philip II is found in Van Espen, part 1, title 22, on the Congregation of Cardinals, chapter 4, n. 54), commanded that the Roman Index, as it had been published by Pius IV, be received and observed in all the kingdoms under his jurisdiction, and therefore ordered it to be sent to all the royal councils, so that it might be promulgated throughout the provinces in the usual manner. Therefore, it has been executed without contradiction, especially in our kingdom of Naples. And when Innocent XII...

[*Latin ed. p. 705*]

In Flanders, certain books prohibited by the Church were read with impunity. Charles wrote about this matter to the Governor (then the Elector of Bavaria), and this latter transmitted the King's letter to the Senate of Brussels, who, on April 13, 1696, responded to the Elector as follows: "Up to this point, we have not heard of anyone wishing to defend the writings and books legitimately prohibited. Furthermore, we shall gladly offer assistance to those of the clergy for whom it is necessary for this purpose. Moreover, in the Pragmatic Sanction concerning the printing of books; see at Rovitus, p. 276, it was decreed that prohibited books could in no way be sold, nor retained. As for the Bull *Cæna*, it is clear from several authors (see Barth. Chioccarell. *Archiv.*, vol. 4, title 2, and Troyla, *Hist. Neap.*, vol. 4, p. 2, chap. 4, § 2, nos. 17 and 18) that the objections proposed by royal officials against the aforementioned Bull were limited only to certain specific points, which were considered to infringe upon royal jurisdiction; but they did not extend to other matters which caused no harm to royal rights. Furthermore, although those who read books condemned for heresy, or suspected of containing false doctrine, do not incur the excommunication prescribed by the Bull *Cæna*, they cannot escape the excommunication imposed in the Index. Moreover, the reading of books infected with errors is, by natural law, forbidden to those for whom it could be harmful, as rightly stated by Peter Collet in *Continuator operum Honorati Tournely de præc. decal.*, chap. 1, art. 1, sect. 3, pt. 5, § 2, concl. 2. The reading of heretical books is forbidden by natural law to many, namely, to those for whom it is dangerous; but it is dangerous to many, since few can detect the errors of heretics, and fewer can free themselves from their snares. Therefore, Sylvius rightly said that the uneducated, and those lightly instructed in Theology, such as are almost all those who have studied Theology for only two or three years, can read such books only with grave sin, even if there were no ecclesiastical law. The same was written by Natalis Alexan-

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der, book 4, on Decrees, art. 8, rule 25. Those who read books without the permission granted by the authority of the Apostolic See incur a mortal sin, and excommunication. For this reading is forbidden by the constitutions of the Pontiff, under the penalty of excommunication. Indeed, it is fitting that it should be so, lest uneducated, or semi-educated, or even learned men, read without necessity, and with the danger of subversion."

[*Latin ed. p. 706*]

which experience has unfortunately confirmed, even among learned men, but those who are excessively curious, and whose faith is weaker than that of the simple and uneducated. He adds: And it cannot be read even with permission, unless there is a danger, or unless there is a very serious reason for reading it. Finally, whatever others may dare to do, it has always been the concern of the faithful to strive to maintain humble and devout obedience to the Church in all things. Charles the Great used to say: "Let us honor the Roman and apostolic See, that it may be the Mother of our dignity, as it ought to be, the Teacher of ecclesiastical reason." Therefore, let humility be preserved with gentleness, so that although the yoke imposed by that Holy See may be difficult to bear, we may nevertheless bear it, and endure it with pious devotion. See in the Council of Trent, Canon 50. CHAPTER V. Certain doubts relating to practice are resolved. I. Is it permissible for those who are morally certain that there is no danger of error to read prohibited books without permission? Some, along with Caramuel (a leading proponent of laxity), have thought it probable that they may, saying that when the adequate reason for the law ceases, the law of prohibition also ceases. But with the most common opinion (which is held by Castrop. de fide d. 2. p. 10. §. 2. n. 9, along with Suar., Tolet., Sanch., and Tambur. in Dec. l. 2. c. 1. §. 7. n. 41), it must be entirely denied; first, because although it is probable that the law ceases when its adequate reason ceases, even in a particular case, there is a more common and probable opinion that even when the reason for damage in a particular case ceases, the purpose of the law in general does not cease, which is to prevent the danger of error; although (they say) that opinion is held by many to be probable, namely Soto, Cajetan, Sylv., Valent., Carden., etc.; nevertheless, with regard to the reading of condemned books, it cannot be probable in any way.

[*Latin ed. p. 707*]

The danger can entirely cease, or at least the prohibition can never adequately end, neither in the general nor in the particular; for the end of the prohibition is not only to avoid damage to consciences from reading wicked books, but also to preserve the obedience due to the Church, especially in a matter so dangerous; and furthermore, it is to prevent heretics, or other wicked writers, from obtaining pernicious books through printing.

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II. Therefore, no one should in any way be permitted to read condemned books, even if he believes that there is no danger to himself. Only, as we noted above, the Council of Cartagena IV permitted Bishops to read the books of heretics out of necessity and for a time. Furthermore, it does not seem improbable that several Doctors teach, as Holzm. *Theol. Moral.* p. 177, n. 77, states; but whether, as Elbel, vol. 2, p. 459, n. 99, with Mayr, Laym., and Dicast. apud La Croix, book 7, n. 543, a pious and learned man can be excused by just reason for reading a heretical book if he is in necessity of such reading to refute a heretic from his own words, for example, by finding contradictions, concessions, fallacies, and the like; provided, I say, that necessity compels him, and furthermore, that there is no recourse to Rome, or to his own Bishop, for although ordinarily a license to read prohibited books must be obtained from the Pope, or from the Roman Congregations of the Holy Inquisition, or of the Index, in a case of great necessity, the Bishop can grant that license. *Viva Mor. Theol. de Cens.*, question 3, article 1, n. 10.

III. Question II. What is required in order that one incur excommunication who knowingly retains, reads, prints, or defends the books of heretics?

It is required I. that the author be a heretic, or at least, as Holzm. states, vol. 1, p. 198, n. 78, that those who read, even if the author is hidden, the book openly treats of heresy. However, those who read the books of infidels do not incur [excommunication], even if they contain heresy. Thus, Suar. d. 20, section 2, n. 42 and 43, and Salm. *de cens.*, chapter 4, n. 71, with Sanch. Pal., etc. The books of the Talmud, and similar books, are prohibited by the bulls of Pius IV and Clement VIII. See apud La Croix, book 7, n. 353.

IV. It is required II. that such books of heretics be...

[*Latin ed. p. 708*]

They are to be read, or retained, as it is said in the bull. Hence, those who read are excused from censure not only by invincible ignorance, but even by crass ignorance; indeed, according to many, Sanchez, Sylv., Bon., Ronc., Salm., etc. See book 7, number 47 and 48, and even by a deliberate intention; because (as they say), strictly speaking, there is lacking in it the formal malice, which induces true contempt for censure. See Requirement III, that the book either treats of religion, or contains heresy. It suffices that the book treats of religion, even if it does not contain error, namely, of Holy Scripture, or of Theology, or of the Canons, Rites of the Church, or other spiritual matters. Thus Sanchez, Dec., book 8, chapter 10, number 21; Laym., book 2, treatise 1, chapter 5, number 3; Suar., as above, number 16; Salm., chapter 4, number 72, and others. It suffices also that the book contains only one error against the faith, even if it deals with another matter. Sanchez, Bonac., Castrop., and Salm. See book 7, number 287. What if the error has been erased from the book? Still, many Doctors hold that it remains prohibited, Suar., Sanchez, Bon., and others, because that particular excision does not

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remove the common proscription of the book. But others, as Pignatel and La Croix, book 7, number 55, say, are excused from censure those who read the rest of the book, because then the book no longer contains heresy, nor can it be offensive. And this seems probable, as Sporer, de Fide, volume 1, page 123, number 40, always says, unless the book does not treat of religion, but of another matter, for example, of philosophy, or of history: except for books of the Magdeburgenses, and similar works, in which truly matters of religion are discussed. VI. Requirement IV: that the reading be in a notable matter, for commonly Doctors in this matter admit of a small quantity of matter; but they disagree in assigning what is a small matter. Some, that is, Sanchez, chapter 10, number 51, with Sa, Manuel, and Vivald., say that it is a page, and even more, if the volume is of a larger size: but this, at least generally speaking, is rejected by others. Others, namely, Graffus and Reginald, apud Bonac., part 1, question 2, point 4, number 14, say that it is only three or four lines. Others (Suar., number 20; Palaus, Tract. 4, part 2, point 10, 8, 2, number 6, with Azor, Con., and Sayr.) say that it is ten lines. Others finally (Holzm., page 176, number 77; see Dixiquartò, Sporer, volume 1, page 124, number 44; Elbel, volume 1, page 297, number 113; and Croix, book 6, number 530, with Marchant.) make a better distinction, and say that in this, the end of the prohibition must be considered:

[*Latin ed. p. 709*]

If, by opening a book, you encounter doctrines that directly contradict the faith and the law, even if you read only a few lines, you will not escape excommunication, because then you are already exposing yourself to the danger of perversion; otherwise, if the book of a heretic treats of a matter indifferent, then, by reading it, perhaps even up to a page, you may be excused from a mortal sin, if you do not notice any proposition there that is suspect of error. Furthermore, censure may be incurred by reading only the preface or the index of a book, if a considerable portion is perused. Laym. Bon. ll. cc. etc. VII. Dubitatur 1. Does one incur excommunication by reading a heretical sermon or a letter published separately? Some affirm, Suar. Farinac. apud Salm. c. 4. n. 72, but others deny, Sanch. Dec. l. 3. c. 10. n. 30. Holzm. p. 77. n. 77. v. Dic. 6. with Laym. Marchant. etc. Salm. loco cit. ac Bonac. Castrop. et Lugo apud Croix l. 7. n. 537. The reason is that such a sermon or letter cannot be said to be a book; and in this matter, a strict interpretation is to be made, when it is a question of something odious, such as the penalty to be incurred. VIII. Dubitatur 2. Do those who read the manuscripts of heretics incur censure? Azor, Viva, Spor. and others with Sylvio deny; and Sylvius, moreover, cites a certain declaration of the Holy See in support of this opinion, Azor, Barbos. etc. apud Croix l. 7. n. 559. Viva ad prop. 46. Al. VII. n. 10. Spor. p. 123. n. 59. However, Holzm. t. 1. p. 77. Croix loc. cit. with Suar. Sanch. etc. constantly affirm, saying that manuscripts still fall under the name of books, just as they were formerly

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called books, even before the invention of the printing press; and even now, manuscripts, where baptisms and marriages are recorded, are still called books by the Rituale and by all. But they reply that the aforementioned declaration of the Holy See is not sufficiently clear. I believe that this opinion should be followed entirely, because in this matter, it is advisable to follow the stricter opinions; furthermore, the reasons given above do not seem to be sufficiently convincing; for today, the name "books" properly refers to books, not manuscripts. However, it must be especially noted that, according to the prescriptions in the Index of *Romano* (Rule 10 near the end), one incurs excommunication by the very act of reading books of heretics, or writings of any author, because of heresy, or because of suspicion of a false dogma, or because they are condemned and prohibited.

[*Latin ed. p. 710*]

IX. Quinto, est dubium si excommunicatio infligatur ei qui audit alium librum hæreticum legentem? Alii affirmant, Laym., Azor, etc., sed alii, et hoc communiter et probabiliter, negant, modo quod non inducat alterum ad legendum. *Spor.* t. 1, p. 124, n. 43, et Croix, l. 7, n. 342, cum Sylv. Pignatel, Sayr, etc. Imò, alii, Sanch., Dec., lib. 2, c. 10, n. 48; Castr., Disp., 2, p. 10, § 2, n. 4, cum Coninch. et Bonac., Disp., 1, qu. 2, p. 4, n. 11, cum Nav. Reg., etc., adhuc probabiliter excusant, etiamsi inducat; et alii, Sporer, Sousa, et Steph., apud La Croix, loc. cit., excusant, adhuc ab peccato, si audiens nullum ex auditione timeat morale periculum perversionis.

X. Notandum superadditum, quod non sunt prohibiti libri catholicorum, qui verba hæreticorum referunt ad eos confutandos, ut omnes communiter docent. Laym., loc. cit., cum Nav. et Sanch., ac Azor, Pignatel, et Bonac., apud Croix, lib. 7, n. 535, neque libri catholicorum, ubi adsunt alicujus hæretici notamenta, sive scholia: dummodo (sapienter limitant Suar., Pignatel, etc.) hujusmodi notamenta non sint tam copiosa, ut potius liber illis, quam scriptis Auctoris, constet. Suar., Pignat., etc., apud Croix, l. 7, n. 554, neque libri hæreticorum, qui de alia materia tractant, quam spirituali, ut diximus, sed absque ullo errore; nam (ut diximus supra, n. V.), quamvis vel solus esset error, adhuc periculum inesset libro; quidquid aliqui dicant, liber vere damnatus existit.

XI. Incurrunt autem excommunicationem non solum legentes libros hæreticorum prohibitos, ut supra, sed etiam qui illos retinent. Quapropter qui eos habet, tenetur quamprimum, juxta praeceptum Pii IV, tradere vel inquisitoribus, vel Episcopis. Et loquendo de regnis ubi viget inquisitio, dicit P. Suarez, cum aliis (Barb., Dicast., apud Croix, lib. 7, n. 535), incurrere censuram etiam qui librum non tradit, quamvis comburat. Sed communiter excusant alii (Salm., cap. 1, n. 74, et Croix, ibid., cum Sanch., Pignatell., et Filliuc.), quia (ut aiunt) qui librum destruxit, nequit amplius dici quod retineat. De cætero, non excusatur qui librum retinet etiam nomine alterius, verbis, gr., in deposito, mutuo, aut pignore, nec qui

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librum suum tradit alteri ad tenendum, quia retento sibi dominio, ipse etiam dicitur retinere, cum possit illum suo arbitrio repetere, ita DD.

[*Latin ed. p. 711*]

Commonly, Suarez, *Disputationes de Traditionibus*, d. 20, sect. 2, no. 21; Sanchez, no. 52; Castropal, p. 10, § 2, no. 7; Roncagl, p. 90, q. 2, Resp. 4; Salmant, no. 74; Croix, no. 547; Bonac, p. 4, no. 15, etc. Furthermore, it must be noted here the proposition 45, which was published by Alexander VII, which stated: "Prohibited books, until they are purged, can be retained, etc." However, La Croix, *Tractatus de Censura Librorum*, lib. 6, no. 352, along with Verjuys, excuses the one who delivers a book, so that it may be retained in places designated for that purpose, which are usually assigned in each monastery. Moreover, if someone were to deposit a book with one who has a license, with an express agreement not to reclaim it (so that the other is not obligated to return it), unless after the book has been purged, or after a license has been obtained, I would not dare to condemn such a person, because in this case, the danger of reading without a dispensation seems entirely to cease; much less would I condemn him, if he were to give the book absolutely to one who has a license, under the condition that he return it to the giver, if he should subsequently obtain a license. He is also excused from censure, who retains a book for a short time, for example, one or two days, as commonly taught by Layman, no. 7; Bonac, no. 15; Castrop, no. 10; Holzm, no. 77, with Sanchez, Sayr, etc. And others admit this, Castrop, *l.c.*, and Viva, *Quaestiones Morales*, 5, a. 1, no. 9 (regarding excusing the one who retains the book from censure), even if he intends to retain the book permanently during that short time; because, as they say, then the material for a grave fault concerning the external action is lacking. Furthermore, others, Sanchez, *Decreta*, lib. 2, c. 10, no. 55; Layman, c. 15, no. 7, with Sayr and Graff, and Pignat and Sylv., apud Croix, lib. 7, no. 351, excuse him, even if he retained it for a long time, yet still waiting for an opportune time to deliver the book to a superior, or to one who has a license.

[*Latin ed. p. 712*]

A LIST OF QUESTIONS which the Author, after the first Neapolitan edition of the work, revised, having been reminded of matters pertaining to a more diligent examination. In each of these questions, first is noted the location in the first edition of the book, and then the location in the second edition, where the correction was made (1).

Q UESTION 1. Whether a legate can compensate for a legacy left in a non-solemn will? In the first book (col. 15, line 3, "It is also probable"), the opinions of Lessius, Molinet, Granado, Salm, etc., are cited, who considered this to be probable. But in this present book, it is refuted. See book 1, section 35, line. However (In the Mechlin edition, book 1, chapter, note).

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Q UESTION 2. Whether a debtor, giving something to his creditor, forgetting the debt, will be excused from restitution? In the first book (col. 13, line, "From this, I"), the opinions of Rebelli, Cardinal, and Diana are cited, who considered the affirmative opinion to be probable. But see the limitation in this book 1, section 34, and book 5, section 700, line. Question 2 (In the Mechlin edition, book 4, section 700. The limitation which St. Alphonsus indicates here, from the Roman edition of 1757, is: provided that the debtor had not reminded the creditor of the debt at that time).

Q UESTION 3. Whether a thief who sends a stolen item to his lord through a faithful person is obligated to restore it again, if that person does not return it? In the first book (col. 14, line 6, "Similarly"), Palatinus, Soto, Ledesma, and Gabriel are cited, who denied this. But in this, it is proven to be absolutely affirmed. See book 1, section 39. (In the Mechlin edition, book 4, section 704).

(1) This second edition also differs very often in the order of matters from subsequent editions of this Theology; for this reason, the reader should not be surprised that the numbers cited from the second edition do not always agree with the present Mechlin edition, which, so that no room for confusion may arise, we will denote within parentheses whenever there is a difference. Edit.

[*Latin ed. p. 713*]

Q. 4. Is there an obligation to extend alms to the poor who are laboring under common poverty, even beyond what is strictly necessary? In the first book (column 80, line A), the opinions of Soto, Navarrus, Vasquez, etc., who deny this, are presented. However, in this work, the opposing opinion is considered preferable. See book 2, section 32. See also the question (In Edit. Mechl., book 3, section 52).

Q. 5. Is there an obligation to correct a sinner who is ignorant of the law, even if it involves a human law? In the first book (column 83, line A, see the question), the negative opinion is considered more probable. However, in this work, the affirmative opinion is considered more probable. See book 2, section 36. (In Edit. Mechl., book 3, section 56).

Q. 6. Does he who incites, either directly or indirectly, another to sin, always commit the sin of scandal? In the first book (column 85, line A), it is stated, along with Palearius, Sanchez, Bonaventure, Azor, etc., that it is probable that he does not sin against charity, unless he expressly intends the spiritual ruin of another. However, in this work, the affirmative opinion is considered true. See book 2, section 45. (In Edit. Mechl., book 3, section 45).

Q. 7. Is it always necessary to explain the circumstances of incitement to sin in confession? In the first book (column 86, note), the negative opinion is rejected. However, in this work, see what is stated in book 2, section 46.

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(In Edit. Mechl., book 3, section 46).

Q. 8. Is it a mortal sin to ask someone for something that they will not provide, if they are already inclined to sin? In the first book (column 86, question II), the opinions of Soto, Suarez, and Azor, who deny this, are presented. However, in this work, it is stated that the opposite should be followed. See book 2, section 47. (In Edit. Mechl., book 3, section 47).

Q. 9. Do women sin grievously by exposing part of their breasts for adornment? In the first book (column 89, line C, and column 250, end), the doctrine of Layman, Cajetan, Navarrus, Salmant, etc., is followed regarding this point. However, see how it is limited in this work. See book 2, section 55, question. (In Edit. Mechl., book 3, section 55).

Q. 10. Is it permissible for a servant to accompany his master to a brothel, or to ride with him in a carriage or litter? In the first book (column 94, line B), the opinions of Busembai, Navarrus, Manuel, etc., are presented, who say that it is permissible solely because of the servitude. However, in this work, at least a grave reason for undergoing damage is required. See book 2, section 64. (In Edit. Mechl., book 3, section 64).

[*Latin ed. p. 714*]

Q. 11. Whether it is permissible for a servant, by reason of his service, to perform tasks for a harlot of the master? In the first book (column 94, end of question 2), the opinions of Busembai and Sanch are cited, who hold that it is permissible if it concerns food and drink. But here, it is denied. See book 2, paragraph 65 (In the Mechanical Edition, book 3, paragraph 65).

Q. 12. Whether it is permissible for a servant to carry the load, or to hold the ladder for the master ascending to commit fornication, or to force open the door? In the first book (column 95, question 4), this is entirely denied. But here, see the statements in book 2, paragraph 66, see question 4 (In the Mechanical Edition, book 3, paragraph 66).

Q. 15. Whether it is permissible to sell wine to one who sells it mixed with water? In the first book (column 69, letter C, see likewise), the affirmative opinions of Palai, Sanch, and Tamb are cited, if it cannot be sold equally conveniently to others. But here, it is not admitted, unless for fear of death or infamy. See book 2, paragraph 69, see question 7 (In the Mechanical Edition, book 3, paragraph 69).

Q. 14. Whether it is permissible to sell ornaments to a young girl who will use them for immoral purposes? In the first book (column 96, letter D, see the same), the opinion of La Croix, citing Navarrus, Azorius, Sanchius, Bonasus, etc., is cited, who say that it is permissible, if she would also buy such things from others. But here, it is not admitted, unless the seller suffers a notable disadvantage. See book 2, paragraph 71, see the same (In the Mechanical Edition, book 3, paragraph 71).

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Q. 15. Whether it is permissible for coachmen and sailors, solely for the sake of their wages, to transport a harlot to a brothel? In the first book (column 98, line 8, "It is permissible"), it is stated that it is permissible, with Salmeron, Sanchius, Azorius, Navarrus, etc. But here, it is not admitted, unless for fear of a serious loss. See book 2, paragraph 75, see "But whether" (In the Mechanical Edition, book 3, paragraph 75).

Q. 16. Whether it is a mortal sin, without a serious reason, to ask for a loan from an usurer, or to receive the sacraments from a sinful priest who is prepared to administer them? In the first book (column 97, paragraph 4, see "But however," and paragraph 7, see "But the question"), the opinions of Lugonio, Soti, Sanchius, Cajetan, Leodegar, Manutius, etc., are cited, who deny this. But here, it is said that it is mortal, both against charity and against justice, unless a serious reason of necessity or utility intervenes? See book 2, paragraphs 47 and 77, see 4, "It is permissible," speaking of the usurer; and paragraph 79, concerning the sinful priest. (In the Mechanical Edition, book 3, paragraphs 47, 77, 79).

Q. 17. Whether it is permissible for one who wishes to break his fast to offer food without a serious reason for causing inconvenience? In the first book (column 97, paragraph 7,

[*Latin ed. p. 715*]

v. Volenti.) The opinion of Lessius, Cajetan, Navarrus, and Vasquez is cited, affirming this. But this is here refuted. See book 2, number 80. (In the Mechlin edition, book 3, number 80). Question 18. Can an antidotal obligation be included in a contract concerning simony or usury? In the first book (page 118, letter A, see "Quaer." at the end), it is stated, along with Salamanca, Valois, Cajetan, Palearius, Lessius, etc., that it is permissible if the contract is for remuneration in general, without adding a new obligation. But this is entirely refuted. See book 3, number 55, and number 764. (In the Mechlin edition, book 4, number 53 and 764). Question 19. Is an execratory oath a true oath? In the first book (page 146, letter A, see "Notandum"), it is stated, along with Salamanca, Busenbaum, Sanchez, Palearius, etc., that it is commonly denied. But here, it is affirmed if God is expressly mentioned in the oath. See book 3, number 143. (In the Mechlin edition, book 4, number 143). Question 20. Is it a mortal sin to swear falsely in an assertive oath with a defect of justice? In the first book (page 148, letter A), it is considered more likely to be only venial. But here, it is added that it is mortal if one swears to confirm a detraction. See book 3, number 146. (In the Mechlin edition, book 4, number 146). Question 21. Can a pilgrim be dispensed from vows, oaths, and laws by the local bishop where he is found? In the first book (page 758, letter E, see "Nota hic"), this is entirely denied. But see here book 1, number 158. Question 22. Can a husband kill someone who intends to commit adultery with his wife? In the first book (page 259, see "Dicendum II"), this is absolutely denied. But here, it is not

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refuted if the man kills before the act to prevent the adultery from occurring; see book 5, number 591, see "Quando." (In the Mechlin edition, book 4, number 591). Question 25. Do spectators who attend a lewd comedy and contribute with money or applause commit a grave sin? In the first book (page 251, see "Quaer. 2"), it is stated that it is probable that secondary spectators do not sin, namely, those without whom the comedy would not be performed. But here, the opposite is seen. See book 5, number 427, see "Nimis autem." (In the Mechlin edition, book 4, number 427). Question 24. Is a beneficiary obligated to restitution if he spends the superfluous fruits of the benefice for profane uses? In the first book (page 270, see "Utrum autem"), the opinion that he is not obligated is considered more probable, along with St. Thomas, Soto, Lugo, Palearius, Lessius, etc. But here, we have stated the opposite as more probable.

[*Latin ed. p. 716*]

Thus, speaking of itself. See book 5, number 492. (In the Mechlin edition, book 4, number 492.) (1). Question 25. Whether one is bound to restore with greater damage, namely, if the thing could not be sent back to the owner unless at expenses greater than the value of the thing? In the first book (column 295, letter B), the opinion of Salm, Soti, Less, Pal, Con, and Bus is presented, denying this. But here, the opposite is held to be true, unless the expenses are far greater. See book 5, numbers 598, 697, and 753. (In the Mechlin edition, book 4, number 598.) Question 26. Whether the one who receives a thing from a thief, and mixes the stolen thing with his own, is bound to make restitution? In the first book (columns 299, letter B), the negative opinion of Tamb, with Sanch, and others, is presented. But here, it is entirely disapproved. See book 3, number 612. (In the Mechlin edition, book 4, number 612.) Question 27. Whether a beneficiary who neglects his office for one day can be excused from restitution, if he makes amends on another day? In the first book (column 310, end, Question 5), the affirmative opinion of Salm, Molfes, Palud, Bonac, etc., is presented. But here, the negative opinion is held to be true. See book 3, number 667. (In the Mechlin edition, book 4, number 667.) Question 28. Whether a beneficiary who neglects a part of his office, which is less than a whole hour, is bound to make restitution? In the first book (column 311, Question 5), the negative opinion of Nav, Tol, and Viva is presented. But here, the opposite opinion is considered to be truer. See book 3, number 668. (In the Mechlin edition, book 4, number 668.) Question 29. Whether a simple beneficiary who neglects his office is bound to restore all the fruits of the benefice? In the first book (column 312, Question 10, viz. "What, etc."), the opinion of Henry Metin and Manuel is presented, who say that one is bound to restore only one-third of the fruits. But here, that opinion is disapproved. See book 5, number 673, viz. "What." (In the Mechlin edition, book 4, number 673.) Question 30. Whether it is licit to receive a gift from one who is burdened

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with heavy debts? In the first book (column 527, letter B), the affirmative opinion of Less, Mol, Nav, Lcym, etc., is presented. But here, it is refuted. See book 3, number 722. (In the Mechlin edition, book 4, number 722.) Question 51. Whether it is necessary, in a loan, to demand interest, so that the borrower may be warned of a just title, which already (1) Compare below, from more recent retractions, Question X, where the Author himself reformulates this very Question 24, and reforms it somewhat again.

[*Latin ed. p. 717*]

Is it present? In the first book (column 345, letter E, line: "But it is doubted"), the negative opinion of Lessius, Lugat, Bona, Trullius, etc., is presented. But here, the affirmative opinion appears more true. See book 5, paragraph 769, line: "But it is doubted." (In the Mechlin edition, book 4, paragraph 769). Question 52: Can a usurer retain the profit exacted, if a just title is present, but he did not warn the borrower, and the contract was made in good faith? In the first book (column 394, Question III), the affirmative opinion is presented (although it is considered less probable), by Lugat, Dian, Salm, and Tannerus. But here, it is refuted. See book 5, paragraph 775. (In the Mechlin edition, book 4, paragraph 773). Question 33: Is it permissible to sell precious goods at a very low price? In the first book (column 353, letter D), the affirmative opinion of Soto, Tollet, Dian, Tannerus, Vallius, Regius, etc., is presented. But here, the contrary opinion appears more probable. See book 5, paragraph 808. (In the Mechlin edition, book 4, paragraph 808). Question 34: If merchants have unjustly created a monopoly, is it permissible for others to sell the same goods at the same price? In the first book (column 357, letter G, line: "But from this"), the affirmative opinion of Salm, Bona, Trullius, Regius, Medelius, etc., is presented. But here, the negative opinion is considered entirely better. See book 5, paragraph 817, line: "But here." (In the Mechlin edition, book 4, paragraph 817). Question 35: Is it permissible to buy something at the lowest possible price from someone who is unaware of its value? In the first book (column 357, letter H, line: "Likewise"), the negative opinion is accepted. But here, the opposite is defended. See book 5, paragraph 819, line: "Also." (In the Mechlin edition, book 4, paragraph 819). Question 36: Is it permissible for a cleric to lease out land belonging to others to graze his own animals, so that he may later sell them? In the first book (column 361, line: "Questions"), it is stated that it is permissible, if the lease does not cause a great distraction from the sacred ministry. But here, this is not admitted, because it is not free from the desire for base gain. See book 5, paragraph 855, line: "Is it truly so?" (In the Mechlin edition, book 4, paragraph 855). Question 37: If a taxed item perishes, does the tax perish by natural law? In the first book (column 366, line: "Question 5"), a probable negative opinion is given, along with Soto, Palearius, Salm, Covarrubias, etc. But here, we have stated that the affirmative opinion is

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to be held entirely. See book 5, paragraph 847, line: "Doubt 3." (In the Mechlin edition, book 4, paragraph 847). Question 58: Can someone who compels another to gamble with injury retain the profit? In the first book (column 375, letter D), the negative opinion is presented. But here, the affirmative opinion appears more probable, provided that the one who compels does not surpass the compelled in skill at gambling. See book 5, paragraph 880. (In the Mechlin edition, book 4, paragraph 880).

[*Latin ed. p. 718*]

Q. 59. Is there a grave obligation to leave one's possessions to one's brothers and sisters? In the first book (col. 398, line A), the opinion of Salm, Nav., etc., is cited, stating that there is no such obligation unless they are extremely in need. But here, we have stated that it is entirely to be held that one gravely sins by leaving possessions to outsiders, if one's brothers and sisters are in great need. See book 3, no. 946 (In the Mechlin edition, book 4, no. 946).

Q. 40. Is it permissible to reveal the crime of another in order to avoid one's own damage, if the knowledge of the crime was obtained by force or deceit? In the first book (col. 407, line A, see "But here"), a probable affirmative opinion is cited, along with Salm, Lessio, and P. Nav. But here, the opposite opinion is considered better. See book 3, no. 969, see "But here, a great..." (In the Mechlin edition, book 4, no. 969).

Q. 41. Is one who has inflicted a hidden insult on another obligated to make amends? In the first book (col. 410, see "But, Question 1"), the negative opinion of Laym and Molin is cited. But here, we have stated that the affirmative opinion should be followed entirely. See book 3, no. 985 (In the Mechlin edition, book 4, no. 985).

Q. 42. Do delicacies taken in a small quantity for enjoyment violate the fast? In the first book (col. 419, line F), a negative opinion is cited, along with Salm, Sylv., etc., Abb. But here, it is stated that the opposite opinion should be held entirely. See book 3, no. 1019, Question II (In the Mechlin edition, book 4, no. 1019).

Q. 43. Can chocolate be drunk as many times as one wishes in a day? In the first book (col. 425, see "Orandum"), a probable affirmative opinion of Father Viva is cited, if it is taken as a usual drink. But here, such a drink is not permitted, except for only one cup a day, due to custom. See book 3, no. 1025, see "Secondly, in the end" (In the Mechlin edition, book 4, no. 1023).

Q. 44. Does a religious person who spends, with general permission from the prelate, on illicit uses, sin against poverty, and is obligated to make restitution? In the first book (col. 450, line E, see "II. Question"), a not improbable negative opinion is cited, along with de Alex., Suar., Bann., Lugo, etc. But here, the affirmative opinion is embraced. See book 4, no. 31, and book 3, no. 873 (In the Mechlin edition, book 3, no. 31, and book 4, no.

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873).

Q. 45. Does a patron have to present more worthy candidates for a benefice? In the first book (col. 469, line A, Question 2), a probable negative opinion is cited, along with Palao, Garcia, P. Navari, Rodr., etc. But here, it is stated that the affirmative opinion should be held entirely. See book 4, no. 97 (In the Mechlin edition, book 3, no. 97).

[*Latin ed. p. 719*]

Q. 46. Does a Bishop sin mortally by conferring a benefice upon one less worthy? In the first book (column 291, Question 2), the negative opinion was presented, along with Navar, Sa., Solo, Dicast. Gutt., Diana, etc. But here, the affirmative opinion is more probable. See book 4, paragraph 93 (In the Mechlin edition, book 5, paragraph 93).

Q. 47. Is a Bishop obligated to restitution when conferring a curacy upon one less worthy? In the first book (column 292, "moreover"), the negative opinion of Navar, Henr., Led., etc., appeared probable. But here, the opposite is embraced. See book 4, paragraph 109 (In the Mechlin edition, book 5, paragraph 109).

Q. 48. Does one gravely sin, and is he obligated to restitution, who receives a curacy with a doubtful mind, or with the condition of receiving the priesthood within a year? In the first book (column 471, letter A), the negative opinion of Navar, Barb., Garz, etc., was presented. Also, the opinion of Salm., who admit it only if the mind is conditioned. But here, the opposite appeared better, whether the mind is doubtful or conditioned. See book 4, paragraph 114 (In the Mechlin edition, book 5, paragraph 114).

Q. 49. Is the plurality of benefices forbidden not only by canonical law, but also by natural law? In the first book (column 473, letter A), the negative opinion appeared probable, along with Lugo, Innoc., Fill., Valent., etc., but here we have stated that the affirmative opinion is to be held entirely, unless a pontifical dispensation and a just cause are added. See book 4, paragraph 117 (In the Mechlin edition, book 5, paragraph 117).

Q. 50. Can one, without grave sin, exchange a divine office for another that is notably shorter? In the first book (column 494, letter A), the affirmative opinion appeared probable, except for the office of Palms with the office of Easter, or Pentecost, as held by Sylvest., Salm., Vill., Diana, etc. But here, it is not admitted as probable. See book 4, paragraph 161, see Question III (In the Mechlin edition, book 5, paragraph 161).

Q. 51. Can Matins be recited two hours after midday? In the first book (column 496, letter D), the affirmative opinion appeared probable, along with Salmant., Sanch., Tamb., Molfes., Led., etc. But here, it is stated that the opposite is to be held. See book 4, paragraph 174 (In the Mechlin edition, book 5, paragraph 174).

Q. 52. Are sins multiplied by the diversity of total objects, namely, if

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one kills four people at one stroke? In the first book (column 564, "but whether"), the negative opinion appeared probable, along with Suar., Lugo, Bus., Viva, etc. But...

[*Latin ed. p. 720*]

In this matter, the opposite opinion is embraced. See book 5, paragraph 45. (In the Mechlin edition, book 2, paragraph 43.) Question 55. Does a confessor commit a mortal sin by successively absolving several penitents from the same sin? (Column 565, part II, concerning the act.) A probable affirmative opinion was presented, along with Salm, Lugdunum, Viva, Sporer, etc. But in this work, the opposite is embraced. See book 5, paragraph 50. Concerning question 6. (In the Mechlin edition, book 2, paragraph 50.) Question 54. Can someone dissolve a friendship without infamy by recounting the other person's natural defects, so that he may take the place of the one who was expelled? In the first book (column 576, letter A), an affirmative opinion from Salamanca, Soti, Bonac, Aragon, Prado, etc., was presented. But in this work, the opposite is embraced. See book 5, paragraph 72. Concerning "Can one...?" (In the Mechlin edition, book 2, paragraph 72.) Question 55. Is it permissible to become intoxicated by the advice of doctors, if the intoxication is considered necessary to expel a disease? In the first book (column 577, line 2, "It is not"), an affirmative opinion from Bus, Sylv, Cajetan, Lessius, Salm, etc., was presented. But see how it is limited in this work. Book 5, paragraph 76. Question I. (In the Mechlin edition, book 2, paragraph 76.) Question 56. Is it permissible to become intoxicated to avoid death, which another threatens to inflict? In the first book (column 578, letter C), a probable affirmative opinion from Lessius, Laym, Bonac, Bus, etc., was presented. But in this work, the negative opinion is embraced. See book 5, paragraph 76. Question II. (In the Mechlin edition, book 2, paragraph 76.) Question 57. Does it suffice if someone confesses during the time of Mass? In the first book (column 210, question 2), an affirmative opinion from Palai, Hurtadi, La Croix, Pichler, Gobat, etc., was presented, provided that he attends Mass in some way. But see book 5, paragraph 314. (In the Mechlin edition, book 4, paragraph 514.) Question 58. Is it permissible to receive something for the sustenance of one who is about to enter, if the monastery is opulent? In the first book (column 150, line "But it is questioned"), an affirmative opinion from Salm, Navarrus, Tollet, Palafox, Sanchin, Bonaventure, Soti, etc., was presented. But in this work, the opposite is embraced. See book 5, paragraph 92. Second part. (In the Mechlin edition, book 4, paragraph 92.) Question 59. Is water to be poured in the sacrament of Baptism, while actually saying: "I baptize you?" In the first book (column 85, letter A), it was affirmed. But in this work, it is shown that it suffices that the formula be pronounced before the material ceases to be applied. See book 6, paragraph 9. Concerning "Is

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it questioned?"

[*Latin ed. p. 721*]

Q. 60. Whether all the matter and form of the sacraments were determined by Christ in their specific nature? This was denied in the preceding book (column 804, Q. 2). But in this second book, the opposite appeared more probable. (Book 6, n. 12).

Q. 61. Whether a minister commits a grave sin when administering the sacraments in a state of mortal sin, even if he is not specially ordained for that purpose, or if he does not administer them solemnly? This was denied in the preceding book (columns 594 and 595). But here it is affirmed. (Book 6, n. 52).

Q. 62. Whether a priest commits a grave sin when administering the Eucharist in a state of mortal sin? In the preceding book (column 663, see "An autem?"), a negative opinion was considered probable. But here we refute it. (Book 6, n. 35).

Q. 65. Whether a minister can administer a sacrament to an unworthy person out of fear of death? In the preceding book (column 595, Doubt 5), a positive opinion was considered probable. But here we maintain the negative opinion. (Book 6, n. 49).

Q. 64. Whether a cleric, being in a shameful vice or other state, and wishing to proceed to the sacred order, can be absolved by simple, extraordinary means, sufficient only to receive the sacrament of penance? This was affirmed in the preceding book (column 598, Question 3). But here it is denied, unless there are very extraordinary signs that demonstrate positive suitability for ordination. See Book 6, in Dissertation, n. 63.

Q. 65. Whether priests are ordained by the imposition of hands alone? In the preceding book (column 806, letter F), we denied this. But here we consider the affirmative opinion to be more probable. (Book 6, n. 749).

Q. 66. Whether a dying person who has received Holy Communion in the morning can, on the same day, receive Viaticum as the illness progresses? In the preceding book (column 668, letter A), we considered both the affirmative and negative opinions to be probable. But here we distinguish, whether the illness is natural or violent. (Book 6, n. 285, Doubt 3).

Q. 67. Whether a priest who negligently fails to say the Sacred Promise, having received a small stipend, commits a grave sin? In the preceding book (column 676, letter C), we considered the negative opinion to be probable. But here we maintain the affirmative opinion. (Book 6, n. 317, see Question III).

Q. 68. Whether a Bishop can regulate the number of Masses prescribed by a testator? In the preceding book, it was said that he can, if no suitable benefits are received (column 680, letter F). But here it is denied. (Book 6,

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n. 351, Doubt 1).

[*Latin ed. p. 722*]

Q. 69. Whether it is permissible to celebrate privately on the day of the Lord's Supper? In the former book, we adhered to the affirmative opinion (col. 687, letter E). But here, we maintain that the negative opinion should be held. L. 6, n. 350.

Q. 70. Does the altar lose its consecration if the seal is broken, or if the reliquary containing the relics is removed? In the first book, it was considered probable that it does not lose its consecration (col. 693, letter C). But here, L. 6, n. 369, ad 3, Dub. 2, we demonstrate that the opposite should be held.

Q. 71. Are two cloths sufficient on the altar, or is one doubled cloth sufficient? In the former book, we affirmed (col. 697, letter C). But here, we say that the opposite should be held. L. 6, n. 375.

Q. 72. Can the water used for the washing of the body be poured out anywhere other than into the sacrarium? In the former book, it was said that it is sufficient if it is poured out in a fitting place (col. 699, letter E). But here, we demonstrate the opposite. L. 6, n. 587.

Q. 73. Can abbots consecrate chalices for other churches? In the former book, the affirmative opinion was cited (col. 699, letter B, in fine). But here, we say that the opposite should be held. L. 6, n. 384.

Q. 74. Should the pyx be blessed? In the former book, the negative opinion was presented (col. 698, letter H). But here, we demonstrate the opposite. L. 6, n. 585.

Q. 75. If, after the reception, a priest prudently doubts whether the wine was vinegar, should he consecrate both substances again under a condition? Here, we demonstrate that it should be affirmed. L. 6, n. 206, v. Quoad. Whatever was said in the former book.

Q. 76. By which bishop should confessors be approved? In the former book (col. 247, letter E), it was said that it is probable that they can also be approved by the bishop of confessors, or of the penitent. But here, L. 6, n. 348, we say that they must be approved by the local bishop.

Q. 77. Is a consulting doctor bound by a written confession? In the former book (col. 776, letter G), we said that it is probable that he is not bound. But here, we defend the opposite (L. 6, n. 648).

Q. 78. Is a mute person bound to confess in writing? In the former book, the negative opinion seemed probable (col. 726, letter B). But here, we say that he is bound, if it can be done conveniently. L. 6, n. 479, v. Quæritur.

Q. 79. Whether, during a jubilee, confession should be made in the same

[*Latin ed. p. 723*]

In the week in which works are completed, can a penitent be absolved

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from reserved sins? In the previous book, we adhered to the negative opinion (col. 743, line A, no. 2). But here, we hold the opposite view. L. 6, no. 357, Q. 80. Can someone who has confessed during the Jubilee be validly absolved afterward by anyone? In the previous book, the affirmative opinion was presented (col. 743, no. 1). But here, we maintain the negative opinion. L. 6, no. 557, v. Q. II. Q. 81. Can a parish priest in a foreign diocese hear the confessions of others with the permission of their parish priest? In the previous book, we affirmed (col. 746, line B). But here, we deny it. L. 6, no. 544. Q. 82. Can a simple priest absolve a dying person, with the presence of an approved confessor? In the previous book (col. 752, line D), the affirmative opinion was presented, which we reject here. L. 6, no. 562. Q. 83. Does someone incur a reserved case by ignorantly violating a bishop's reservation? In the previous book, we stated a probable negative opinion (col. 757, line A). But here, we reject it. L. 6, no. 581. Q. 84. Are those indirectly absolved from a reserved sin in a case of necessity by someone who does not have the power to do so, obligated to present themselves to the Bishop afterward? In the previous book, we denied (col. 956, v. An autem.). But here, we observe the distinction presented. L. 7, no. 91. Q. 85. Is a confessor who culpably errs regarding the value of the sacrament obligated to warn the penitent of the error, even if it causes him great inconvenience? In the previous book, we stated a probable negative opinion (col. 766, line I). But here, we hold the affirmative opinion. L. 6, no. 619. Q. 86. Can a pilgrim with a reserved sin be absolved by a simple confessor in a place of confession, but not in his homeland? In the previous book, the affirmative opinion was presented (col. 758, at the end, v. Quæritur. an.). But here, we refute it. L. 6, no. 588. Q. 87. If someone has confessed to a superior and has forgotten a reserved sin, does he remain directly absolved by that superior? Here, it is more probable that it is denied. L. 6, no. 597. Whatever has been said in the previous book (1). (1) Compare now below from the more recent questions, Question XX, Edit.

[*Latin ed. p. 724*]

Q. 88. Does a cleric incur suspension who is ordained while possessing a patrimony that has been donated, but with the understanding that it will be returned later, or with a promise to return it to the donor? In the previous book, a negative opinion was given as probable (col. 829. 2.). But here, in book 6, section 822, the distinction to be maintained is noted, namely, whether the donor had a true, or not, intention of giving.

Q. 89. If someone, after contracting betrothal with one woman, takes another, is he bound to take the first after the second has died? In the previous book, it was stated that it is probably not necessary (col. 143. lit. I.). But here, the contrary is maintained. In book 6, section 875, see "Quaeritur."

Q. 90. If someone falsely contracted marriage, is it sufficient to validate

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it that he alone gives his consent? Here, in book 6, section 1114, the affirmative opinion is considered truer; although in the previous book (col. 899. "Hinc infertur"), it was not admitted.

Q. 91. Is there no dispensation for an impediment between close relatives, if a prior union between them has been concealed? In the previous book, the negative opinion was considered more probable (col. 904. "Quaer. 3."). But here, in book 6, section 1134, it is entirely rejected, even if the union has not taken place in order to more easily obtain a dispensation.

Q. 92. Can a simple priest absolve from venial sins, and from minor excommunication? In the previous book (col. 746. lit. A. and col. 928. "Certum."), the affirmative opinion, although not admitted, was not entirely rejected. But here, in book 7, section 71, it is entirely rejected because of the decree of Innocent XI.

Q. 93. If someone, absolved by a Bishop in necessity from a papal censure due to a temporal impediment, has already satisfied the terms, is he excused from going to Rome? In the previous book, it was stated that it is probably permissible (col. 953. "quaer. III. in fin."). But here, we say that it must be held to be so. In book 7, section 87.

Q. 94. If someone has a public papal censure, and has been punished by a Bishop, can he be absolved by another? In the previous book, the affirmative opinion was considered probable (col. 950. "Hinc, infra Dub. 1."). But here, we say that the contrary is truer. In book 7, section 77.

Q. 95. Can Bishops absolve from hidden papal censures outside of confession? In the previous book, the affirmative opinion was reported (col. 942. "ad n. 8."). But here, in book 6, section 593. "Hic autem," we refute it based on the declaration of Gregory XIII.

Q. 96. Is it permissible to write again to someone who is excommunicated? In the previous book, it was stated that it is probably permissible (col. 964. lit. F.). But

[*Latin ed. p. 725*]

Here, we deny it. L. 7, n. 193. But is it permissible to absolve an excommunicated person? In the preceding book (col. 965, Dub. II), we stated that the affirmative opinion is absolutely probable. But here, d. n. 195, we consider the opposite opinion to be more probable, although we do not reject the former. Q. 97. Can a legal agreement be accepted to avoid a great and certain loss of property? Whatever was said with Salm. in the preceding book (col. 970, lit. A, Not. I), today this opinion is condemned by Benedict XIV. See l. 5, n. 400, prop. IV. (In the Mechlin Edition, l. 4, n. 400). Q. 98. Can parents compel a girl to enter a monastery for the sake of her education? In the preceding book (col. 985, in princ.), the affirmative opinion was considered probable. But here, l. 7, n. 212, v., the opposite opinion appears to be absolutely more probable, unless the girl is in danger of

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incontinence. Q. 99. Does a person incur irregularity due to bigamy, who contracts two marriages, both of which are null, or who fictitiously enters into a second marriage to force a union? Here, we say that the affirmative must be maintained, l. 7, n. 446 and 447, whatever was said in the preceding book. Other recent retractions of opinions, which are listed in the preceding edition, are appended. Query I. If someone reasonably believes that they have fulfilled a vow, canonical hours, or penance, are they obligated to fulfill it, if it is still probable, or doubtful, that they have not fulfilled it? Several authors deny this, l. 1, n. 76. But the opposite is to be held, because the obligation is already contracted, until it is certainly not fulfilled. (In the Mechlin Edition, l. 1, n. 29). Query II. Do declarations of the Sacred College of Cardinals have the force of law? Several authors deny this, unless they are published, not only with the consent of the Pope, but also by order, so that they are solemnly promulgated throughout the Church, l. 1, n. 106, vers. However, it must be added that such declarations, which have already been universally disseminated within the Church, and have been so promulgated, sufficiently bind all the faithful, or when authors commonly refer to them. Q. III. Can a bishop dispense in canonical statutes, in which dispensation is not reserved? This was previously considered.

[*Latin ed. p. 726*]

It is a sufficiently probable opinion, affirmed by Soto, Covarr., Castrop., Bonac., and St. Antoninus, that the affirmative is to be held. But, upon better consideration of the matter, it seems that the negative opinion must be entirely maintained, according to Clement. 2, on election, where it is stated: "The law of the superior cannot be abolished by the inferior." This is consistent with c. Dilectus, on the temporal order. See book 1, number 191, Question 4. Can a delegate of the prince, or a delegate to a university of causes, delegate further? This is affirmed in book 1, number 193. But this must be limited according to what is said in book 6, number 566, namely, that this is to be understood when the delegation is made as if by office, or when jurisdiction is delegated to someone, so that a privilege is perpetually attached to his office or dignity. Question 5. Does the law cease, if the purpose of the law in a particular case ceases? The opinion has been presented that this is a probable opinion, and Salamanca and Viva, with Cajetan, Sylvester, Panorm., Valent., Sa, Carden., Nav., Abbate, Comit., and others, hold this opinion, book 1, number 199. But it must be noted that this opinion will scarcely ever be probable in practice, because it will scarcely ever happen that all danger of illusion ceases in a particular case. Question 6. If someone, with the intention of stealing, takes one hundred gold coins, interrupting the act one hundred times, does he then commit one hundred sins? In book 5, number 44, it was said that it is probable that only one theft, or sin, is committed. But, upon better consideration of the matter, it should be said that such thefts are one hundred distinct mortal sins, since each

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theft contains a distinct evil within itself. (In the Mechlin edition, book 2, number 44.) Question 7. An act of charity towards God must be elicited at least once a month, as is said in book 2, number 8. It must be added that, in the same way, namely, at least once a month, we are likewise bound to elicit an act of charity towards our neighbor, otherwise we will scarcely be able to observe this precept of charity towards our neighbor. (In the Mechlin edition, book 3, number 8.) Question 8. It was said in book 3, number 244, that it does not seem improbable, with Lessius, Salm., Bon., etc., that the vow itself can change the vow to an equal one. But it should be said, with St. Thomas, Cajetan, Suarez, and others, that it is much more probable that it cannot; because God prefers the thing promised, rather than another. (In the Mechlin edition, book 4, number 244.) Question 9. Several Doctors, according to Bus, in book 3, number 381, say that it is permissible for an honorable man to kill an aggressor who is attempting to strike him. But it must be added there what Sylvius teaches wisely:

[*Latin ed. p. 727*]

Although honor is a good more excellent than riches, we consider it either none, or very rare, that it is licit to kill an aggressor solely for the defense of honor. In 2. 2. q. 64. art. 7. q. 9. (In the Mechlin Edition, book 4, note 581.) Question X: Are those who expend the superfluous revenues of a benefice on profane uses, bound to make restitution? Book 3, note 492, presents a positive opinion as being very probable; but after a more careful consideration, the negative opinion seems no less probable in practice, especially considering the authority and reasoning of D. Th. in 2. 2. qu. 185. art. 7. See the citation in note 492. (In the Mechlin Edition, book 4, note 492.) Question XI: If someone has stolen something, and the owner is uncertain, to whom should it be restored? In book 3, note 589, it is said that restitution should be made to the poor, or to pious institutions of any place. But to this, several limitations must be added, which you will find in the cited passage, or shortly thereafter. (In the Mechlin Edition, book 4, note 589.) Question XII: If a certain crime is public in one place, can it be manifested without guilt, at least gravely, in another place, where it is still hidden? It was said in book 1, note 86, with Lug. Cajet. Nav. Salm. etc., that the positive opinion is very probable, contrary to others. But see book 3, note 974, where the opinion is now limited only to those crimes that harm others through the perpetrator. (In the Mechlin Edition, book 4, note 974.) Question XIII: Does one gravely sin by, without just cause, anticipating the hour of noon on a day of fasting? In book 3, note 1016, it was said, with Lessio, Tol. Bonac. Laym. Salm. Castrop. etc., that the negative opinion is more probable. But, having returned to the truth with better reflection, we say, with Azor. Sanch. Nav. Sylvest., that the affirmative opinion must be held entirely. (In the Mechlin Edition, book 4, note 1016.) Question XIV: Can a Bishop lawfully dispose of the goods of the Church? In book 4, note

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187, it is said, "circa, etc.," that he cannot. But this must be understood only when the Church would have to cede something of its possessions due to the transaction; otherwise, if nothing is ceded of the possessions. (In the Mechlin Edition, book 3, note 187.) Question XV: If a vow has certainly been made, but has only probably been fulfilled, is the vower entirely bound to fulfill the vow? Several authors, namely Lug. Ronc. Salm., deny this.

[*Latin ed. p. 728*]

Layman, etc. But I concur with Concina and others that a vow, once made, must be fulfilled, for when a vow is certain, the obligation to fulfill that vow is also certain. See book 1, number 29. Question 16. Is a penitent bound to confess a mortal sin certainly committed, if he believes only probably that he has already confessed it? Suarez, Lugdunum, Salm, and others deny this. But I say, with Concina and others, that he is bound to subject that sin to the keys, since the confession is doubtful, and the obligation to confess is certain. But see what is said in book 6, on penance, number 477. (1). Question 17. Is it permissible to confer the sacrament under a condition, without the condition being expressed orally? In book 6, number 29, at the end, it is affirmed, in common with Contenson, Tournhem, Roncaglia, Castrop, and others, that it is so. But since there are some authors, such as Gonet, Juenin, Contenson, Serry, etc., who hold (although with little probability) that the validity of the sacrament does not depend on the intention of the minister, but only on the sacrament itself being duly conferred, it is safer to express the condition in words. Question 18. Is one bound to confess a mortal sin certainly committed, if afterwards he is in doubt whether he confessed it or not? In book 6, number 477, it was said that he is not bound to do so, if he believes that he has probably already confessed the sin to the confessor. But now we say that he is bound to do so, because just as the obligation to confess was certain, so too the confession must be certain; see, however, the aforementioned number 477. Question 19. Can a priest who has been excommunicated by the Church, as if he were a heretic, schismatic, or excommunicated person to be avoided, absolve those who are in danger of death, if another is absent? In book 6, number 560, Question 1, the negative opinion was proven. But now we prove the contrary, with Sylvius, Collet, Sylvester, Cano, etc. Question 20. If a penitent has confessed to a superior, and has innocently forgotten a reserved sin, can he then be absolved from it by any confessor? In book 6, number 597, we have proven the negative opinion; but now, by the authority of Pontas, Collet, and especially Sylvius, who holds the affirmative opinion with Sylvester, Navar, Adrian, Angel, Covarrubias, and many others, we cannot reject it. Question 21. Does the incapacity to hear confessions, which confessors incur by delaying, take effect before sentence? (1) This is repeated in Ques-

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tion 18.

[*Latin ed. p. 729*]

I. 6. n. 703. It is affirmed. But now, consider what is stated in this edition, in the aforementioned number. Question XXII: Can Bishops absolve from excommunication those who have attempted to separate the delinquent from the Church? In Appendix, on Privileges, n. XXVIII, it is affirmed. But now, the opposite must be held, along with Fagnano, who approves of this; see the aforementioned place. Question XXIII. In the practice of confession, in the last chapter, n. 287, it is stated that Bishops, and their delegates, have the faculty of granting a plenary Indulgence to the infirm who request it at the point of death; it must be added that this faculty requires that the Bishops request and obtain it from the Supreme Pontiff. Question XXIV. In the examination of those to be ordained, n. 98, it is stated, from the rubric, that it is illicit to use wine in the Mass that is beginning to ferment. Note what is added there. Question XXV. In the same examination, n. 122, it is stated that it is doubtful whether it is a probable opinion that celebrating without the chalice is not a mortal sin. But, having considered the matter more maturely, now it seems to me to be sufficiently probable, since it is common among the Doctors; and there is no certain foundation to the contrary. Question XXVI. If the chalice is gilded again, must it be consecrated again? I. 6. n. 370, question 2. I previously considered it more probable to deny this, along with Laym, Lugo, etc. But, having considered the matter better, now I think, along with Ferrari, Suar., etc., that it is more probable that the chalice must be consecrated again; see the annotation added at the end in the aforementioned place.

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ALPHABETICAL INDEX SHOWING VARIOUS MATTERS CONTAINED IN THE TEN VOLUMES.

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723. What if the donation is made for pious causes? No. 726. What if it is confirmed by an oath? No. 727. Is it possible to accept a donation after the death of the donor? No. 729. If the donee dies before acceptance, can the heir accept the donation? No. 731. Accession. Ownership is acquired through accession. Book 4, No. 497. Access to nuns without cohabitation. Book 7, No. 235. To receive. It is not permissible for a girl to receive gifts from a suitor. Book 5.

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n. 76. Whether it is permissible for someone burdened by debts to accept a gift? Book 4, n. 722. To accuse, and the accuser. What must be observed by the accuser? Book 5, n. 254 and 255. Who are obligated to accuse? Book 5, n. 236. Who is prohibited from accusing? n. 258. When is it permissible to accuse without prior warning? n. 240 and 241. He who unjustly accuses of solicitation incurs a papal censure, but without excommunication. Book 6, n. 695, verse. But, in sin, is the accuser irregular in a case of blood? Book 7, n. 468, ad III. What about clerics who accuse? Ibid., and n. 467. Acedia (sloth), what it is. Book 2, n. 84. Action (legal action). Actions are not subject to prescription unless for 50 years. Book 4, n. 507. Actions prohibited for clerics. Book 5, n. 191. Human acts. Book 2. What is a human act, and how many are there? n. 1 and following. What are elicited and commanded acts? n. IV. What is a voluntary act, and how many are there? n. VI to XI. What is an involuntary act, and how many are there? n. XII and following. Concerning violence, n. XV. What is fear? n. XX. Does concupiscence diminish or increase the voluntary act? n. XXIII to XXV. What is ignorance, how is it divided, and what effect does it have on the voluntary act? n. XXVI to XXIX. Concerning the freedom of acts, n. XXX and following. In what does malice, or moral goodness, consist? n. XXXIV and following. What are the principles of morality? n. XXXVI. Is an indifferent act permissible? n. XLI. Acts. Acts of faith and hope, when are they to be elicited? Book 5, n. 7 and following. What about the acts of charity? Book 5, n. 8. How are internal acts morally interrupted? Book 2, n. 37 and 58. What if the will remains in the effect? n. 40. How are external acts interrupted? n. 41. Can satisfaction be made for a double precept by one act, or by different acts simultaneously? Book 1, n. 166. Does he who, in one act, violates several precepts, commit more sins? Book 1, n. 167. Can prelates command internal acts? Book 1, n. 100. Do several sins occur in one act due to the diversity of total objects? Book 2, n. 45. Are acts of faith and hope required for contrition? Book 6, n. 439. Does the conjugal act impede communion? See Conjugal Duty. Is the act required to be external in order to incur censure? Book 7, n. 54. Must it be consummated? n. 56. Additions in the Mass. Book 6, no. 411.

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When is it permissible to add?

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Collects? See ibid. To the exposition of the Blessed Sacrament, the following prayer is added. See ibid. verse. Probably. What is an adjuration, and when is it permitted? Book 4, after paragraph 195. See appendix on the adjuration of demons; there. Administrator, and to administer. Public administrators when they are irregular. Book 7, paragraph 456, concerning IV. (See also Book 4, paragraph 858. Very important.) See Ministrare. Adolescent. Even robust adolescents are excused from fasting before the age of 21. Book 4, paragraph 1055. What if someone completes their 21st year on that day? Ibid. Advena, see Peregrinus. Advertentia (Deliberation). Concerning the deliberation required by law. Book 1, paragraph 7. Concerning the deliberation required for sin. Book 2, paragraph 3. Whether virtual deliberation suffices for mortal sin? Paragraph 4. For culpable distraction in the Divine Office, deliberation concerning it is required. Book 5, paragraph 176. See Dictum est. Adulter, Adultera, and Adulterium (Adultery). What are adulterers bound to do? Book 4, paragraph 651. What are adulteresses bound to do? Paragraph 652. Is she herself bound to proceed with the matter? Paragraph 655. Is the illegitimate son bound to believe his mother? Paragraph 654. What more is the adulterer bound to do? Paragraph 655. Are those who expose adulterous children to hospitals bound to make restitution? Book 4, paragraph 656. Can an adulteress deny her hidden crime? Book 4, paragraph 162. Is sodomitic intercourse between spouses considered adultery? Paragraph 446. Does an adulterer who kills the adulteress's husband to protect his own life incur irregularity? Book 4, paragraph 598. See In ordine. Can an adulterous wife be expelled by her husband? Book 6, paragraph 959. See Question 3. Concerning divorce on account of adultery, numbers 960 to 969. The crime of adultery for annulling marriage. Book 6, numbers 1035 to 1042. Is the adulteress's silence sufficient for consent to invalidate the marriage? Paragraph 1038. Adultery with attempted marriage, while the spouse lives. Paragraph 1042. If an adulterer kills his husband in defense. (Reference to Book 4, paragraph 598. See In ordine.) A man who knows his wife is an adulteress becomes irregular. Book 7, paragraphs 441 to 443. Advocates, what qualifications are required? Book 5, paragraph 218. What are the circumstances in which it is illicit to practice the profession of an advocate? Book 5, paragraph 219. What poor people is an advocate bound to defend gratuitously? Paragraph 221. Can he defend less probable causes? Paragraph 222. Can he agree on a price, and on a share of the litigation? Paragraph 224. When does an advocate...

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Concerning Restitution of Damages: Are advocates bound to make restitution? Book 5, number 223. When should an advocate be paid? Number

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226. Advocates and procurators, after two years in Naples, cannot demand their salary. Book 4, number 516. When are advocates excused from fasting? Book 4, number 1049, paragraph 6. They are excused. Concerning Building: When is ownership acquired through building? Book 4, number 800. A Sick Chaplain. Book 6, number 353. A sick person before whom a marriage must take place. Number 1091. Sick, see Infirm. Equivocation, see Amphibologia. The age of children for the obligation of precepts. Book 5, number 135, paragraph 6. It is inquired. The age concerning ordination. Book 6, number 785, to 789, and number 799. The penalty for those ordained before the proper age. Decretum, number 799. Note 2. If it is due to crass ignorance, ibid. See also here. What happens when the age is reached? Ibid, doubt 2. Does a priest ordained before the proper age become irregular? Ibid, doubt 5. How is age to be calculated? Number 800. Can a Bishop grant a dispensation regarding age? Ibid, see. It is certain. The age required for marriage. Numbers 1065 and 1066. Irregularity due to a lack of age; Book 6, numbers 783 and 799. Affinity, how is it contracted? Book 6, number 1068. Is it contracted between a step-child and a wife who was a stepdaughter? Number 1069. What if someone, after a dispensation has been granted, discovers that they are related to the betrothed as a sibling? Number 1069, and also see number 1140. Concerning the impediment of affinity; number 1068. Concerning the impediment of not being able to enter into marriage due to affinity; numbers 1070 to 1077. To contract an affinity, it is required that the marriage be consummated on both sides; number 1075. The penalty for those who knowingly enter into marriage with an impediment of affinity; number 1077. Who can grant a dispensation in this impediment? Number 1076. Question IV. Aggressor, see Occisor. Agitation of bulls. See Book 4, number 363. Those who paint or gild images of God are excommunicated. Book 7, numbers 209 to 22. Games of chance. How is the game of chance forbidden to laymen? Book 4, number 885. How is it forbidden to clerics? Number 895. And to religious? Number 901. And to Bishops? Number 902. What if clerics and religious only attend such a game? Number 903. Alienation of ecclesiastical goods. Book 5, after number 187, Volume X, 24.

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of an altar, due to fear of death? Book 6, number 289. Change of altar: Number 329. Profanation of the altar: Number 569. If an altar is moved, is the altar stone, the seal, or the tomb also moved? Decretal, number 369. If a corpse is buried beneath the altar, ibid. See also. The altar must be consecrated. Number 573. Is it permissible to take vestments from the altar? Number 424, section 5. Lower vestments. Portable altar: ibid., section 6. Altar: Privileged altar: Number 359. Amasius: Is it permissible for a young woman to receive gifts from her suitor? Book 3, number 76. Ambition: What is ambition? Book 2, number 66, section 2. Amentia (Insanity): Is insanity subject to human law, and can a person who is insane be given meat to eat? Book 1, number 153, section *Pro majori*. Can a person who is insane be confirmed? Book 6, number 180. Can a person who is insane receive Holy Communion? Numbers 246 and 302. Can a person who is semi-insane, mute, or obsessed be admitted to the Sacraments? Number 503. Can a person who is insane receive Extreme Unction? Number 732. Is a person who is insane obligated to, or can they, return property to another? Number 948. Insane persons are validly baptized, confirmed, and ordained. Number 80. Insane and drunken persons who previously had the intention to perform the Sacrament. Number 81. See also. Insane persons are irregular. Book 7, number 398. Friend: Is it permissible to transfer a ship to a friend in the event of shipwreck? Book 4, number 366. Loss and To Lose: Does the loss of a large sum of money permit working on a feast day? Book 4, number 501. Does it excuse one from attending Mass? Number 532. In what ways are benefices lost? Book 5, number 135. Is an initial affection required in contrition? Book 6, number 440 and 442. Amphibology can be threefold. Book 4, number 151. It is permissible to swear, even with ambiguity, if there is a reason. ibid. See also. See Restrictio mentalis. Animals: Is it permissible to kill animals on a feast day? Book 4, number 298. Is it permissible for clerics and religious to buy animals in order to sell meat from their pastures? Book 4, number 834. Can animals be taken from pastures that belong to others? Number 835. Concerning the association of animals, number 909.

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[*Latin ed. p. 808*]

Can one compensate for the damage to one's reputation caused by slan-

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Ibid. See also. Concerning excommunication for those entering.

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While a dispensation is requested, number 1146. Formula for obtaining dispensations concerning impediments to marriage, number 1147. Other formulas concerning irregularity, vows, etc. See in *Praxis Confessariorum*, number 87. Whether confessors of cathedrals can, by ordinary right, absolve from reserved matters? Book 6, number 599. See *Confessores*. A confessor when excused from the choir. Book 5, number 131. See *Minime*. Whether one lacking a tongue can administer the Eucharist? Book 6, number 244. Whether he can celebrate the Mass? Ibid. Whether he is irregular? Book 7, number 408. Pollution and to pollute. Book 4, Question 4. Pollution from the touch of a boy. Book 4, number 467. From the touch of a woman. Ibid. Is it permissible for a wife to pollute herself, when her husband withdraws after copulation? Book 6, number 919. Are touches between spouses mortal sins? Number 935. What if there is danger of pollution? Numbers 934 and 935. What if a spouse touches himself? Number 936. Pontiff. See Pope. Pontifical Responses, or declarations or letters, how and when they are binding. Book 1, number 106, and Book 4, number 1027. See *Hinc dicimus*. Pontificals. Can a chapter, when the See is vacant, grant permission to a foreign bishop to exercise pontificals? Book 6, number 788. See *Quamvis*. A bishop if he exercises pontificals from which he is suspended. Book 7, number 314. Question 2. What if he

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celebrates them solemnly? Ibid. See *Si autem*. Possession. A completed possession for the purpose of prescription. Book 4, number 506. Can a blind man redeem from a possessor the possession of a benefice? Book 4, number 99. A possessor in doubt concerning his possession. Book 1, numbers 35 and 36. Negligent in inquiring about the owner. Book 5. What certain goods must be restored, to the possessor or the owner? Book 4, number 396, and number 599. To what is a possessor in good faith bound? Number 607. To what is a possessor in bad faith bound? Number 614. To restore to the owner a consumable thing received from a thief. Number 608. What fruits is a possessor in good faith bound to restore? Number 610. What if you receive a mixed thing with the thief's goods? Number 611. Is a possessor in good faith, in doubt, made richer? Book 4, number 706. The drinking of wine in fasting. Book 4, number 1022. The drinking of beer and lemonade. Ibid. See Question 11. The drinking of chocolate. Number 1025.

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Prebends to be restored from Canons who are absent or who do not chant. Book 4, paragraph 675. See also *Beneficium*. Prebendary, see *Canonicus*. Precept. Natural laws are of three kinds. Book 1, paragraph 169, and following. Ignorance, if free from blame, concerning natural laws. Ibid. Concerning contradictory precepts, what is to be done. Paragraph 10. Whether sins are distinguished by species because of the diversity of precepts. Book 2, number 35. Whether the precept of observing feasts is natural or ecclesiastical. Book 4, paragraph 263. Whether in the precept concerning testimonies, interior worship is commanded; and whether this precept is affirmative or negative. Paragraph 264. See also, under *Lex*. The precept of Communion during Easter. Book 6, paragraph 294. In danger of life, paragraph 201. What if there is danger of vomiting, or in a state of delirium. Paragraph 292. See also, under *Communio*. The precept of annual confession, whom and when it obliges. Number 662. Whether a precept imposed under censure obliges under a grave penalty. Book 7, paragraph 35. Pregnant women, when they are excused from attending Mass. Book 4, paragraph 330. Whether pregnant women who procure an abortion incur excommunication. Paragraph 395. See also, under *Prælatus*. Whether a superior is ever bound by a grave penalty to correct minor faults. Book 5, paragraph 13. A superior neglecting the recitation of the Divine Office in the choir. Paragraph 143. Note 2. Obedience is due to a superior, unless it is clear that the matter is illicit. Book 1, paragraph 51, and Book 5, paragraph 47. What if a subject has a probability that he is not bound? Book 5, paragraph 47. See also, under *Limitant*. A superior is bound to inquire into the morals of his subjects. Book 4, paragraph 560. See also, Question 2. Can a crime be reported to a superior, as to a father, without prior correction? Book 5, paragraphs 243 to 245. Regular superiors have quasi-episcopal jurisdiction over their own;

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what jurisdiction do they have over those under them? Book 6, number 593. See also, *Eamdem*. Can censures be imposed upon them? Book 7, paragraphs 10 to 13. See also, under *Mendicantes* and *Regulare*. Prescription, and to prescribe. And to prescribe dominion by prescription, provided that four conditions are present, namely: I. Good faith. Book 4, paragraph 504. II. Title. Paragraph 505. III. Continuous possession. Number 506. The time required to prescribe for movable and immovable property. Paragraphs 506-508, and following. Debts arising from movable property, and benefits. Paragraph 507. IV. It is required that the thing be suitable for prescription. Paragraph 515. How prescription is interrupted. Paragraph 514. Whether the laws of the Church are prescribed by a period of ten years? Book 1, paragraph 159. Prescription of 50 years, how it is admitted in Naples, according to the presumed Volume X.

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Solution, book 4, number 316. Advocates, procurators, and notaries, after two years in Naples, can claim nothing. Ibid. Apothecaries, after two years against the principal; after two months against the heir; craftsmen, after one year; servants, after two months. Ibid. Can a matter be considered prescribed and thus forgotten in conscience? Number 517. Can prescription be applied to obligations concerning Mass offerings, and conditions imposed by a testator? Book 6, number 529. Presentation, and to present. Benefits are acquired through presentation. Book 5, number 85. When is a patron obligated to make a presentation? Number 88. Does the time for presentation run while a legal dispute is pending? Number 89. What if many present themselves? Number 90. Does one sin by presenting oneself for a Cardinalate or Bishopric who is less worthy? Book 5, number 91. Regarding parishes. Number 92. Regarding simple benefits? Number 97. Is someone absolved from a Papal censure obligated to present himself to the Pope? Book 7, number 87 and 88. At least by letter? Number 89. Is someone absolved from an Episcopal censure obligated to present himself to the Bishop? Number 92. The presentation of an excommunicated person. Book 7, number 179. See also under the word "Benefit." The presence required for the consecration of matter. Book 6, number 211. What presence is required of the penitent in order to receive absolution? Number 429. What is a testimonial? Book 5, number 116. Is someone possessing a testimonial obligated to fulfill an office? Book 5, number 144, line 8. They are not obligated. Presumption, and presumed. Presumption concerning divine mercy. Book 3, number 20, line 3. Receiving something based on a presumed consent of the Lord. Book 4, number 700, line: Question here 1. A religious person presuming permission. Book 5, number 18. The presumed consent of pastors grants permission for the administration [of sacraments]. Confirmation, and ordination. Book 6, number 175. Also, regarding the Eucharist. Number 235. What about the Paschal Communion? Number 240, line 9. Does

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a presumed permission grant jurisdiction to hear confessions? Number 370. The omission of necessary heirs. Book 4, number 947. Can a meal be taken during a fast? Book 4, number 1017. For how long is it interrupted? Number 1020. For how long is it permissible to postpone? Ibid. Question. V. After a meal, is the use of marriage permissible? Book 6, number 910, line: It seems. What is a precarium? Book 4, number 745. Prayers. Hindering prayers so that another does not receive a benefit. Book 4, number 387. Do importunate prayers constitute a grave offense?

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n. 747. v. Ibid. One may impede by prayer that another not concur in the purchase of a thing sold in Asti.

n. 808. v. But it is doubtful. Presbyter. See Sacerdos. The price of a thing acquired, which increases. l. 4, no. 619. Taking a lamb belonging to another, which will later be worth more.

n. 621. What if it is taken at a time of greater price? Ibid. v. What? Should the price of the labor which the deceased expended be deducted? l. 4, no. 639. Can the price of a thing sold be restored to the creditor of the seller?

n. 685. Should the price be restored, when no action is due by law? l. 4, no. 745. Is a determination of the price required for a sale?

n. 794. For the acquisition of ownership of a thing sold, the payment of the price, or credit, is required.

n. 685 et 796. In how many ways can the price of a thing increase or decrease?

n. 801 et n. 804. The price of a commodity sold at a later date.

n. 802. The extent of a just price.

n. 804. Note 3. Valuable things. Ibid. and n. 808. Deception in price.

n. 805. Common estimation varies the price.

n. 808. And so also a sale in Asti, and by female vendors. Ibid. If a thing is sold piece by piece.

n. 809. Because of a delayed payment?

n. 810. Because of a risk? Ibid. v. Because. Or because the thing will be of greater value. Ibid. v. Certainly.

n. 811. If a thing is sold on credit.

n. 812. If there is a pact of redemption.

n. 824. v. But concerning this.

The prince, with regard to initiating war. l. 4, no. 403. Can he initiate war with a probable opinion? No. 404. Is it permissible for the prince to call upon Gentiles and heretics for help?

n. 406. Is the prince bound to choose the more worthy for offices? l. 4, no. 542. Is it permissible for the prince to kill those who are guilty, but not yet condemned by sentence?

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n. 377. The prince can only legitimize secular matters. l. 7, no. 435. To deprive. Minor excommunication deprives one of the reception of the Sacraments. l. 7, no. 148 et 152. Does it also deprive one of administration? No. 149 et 152. Major excommunication deprives one of the reception of the Sacraments.

n. 158. Administration. n. 165. Suffrages. n. 162. Divine offices. n. 173. Benefices. n. 179. Communion in the forum. n. 184. Use of jurisdiction. n. 185. Ecclesiastical burial. n. 186. Communion in the civil sphere. n. 188. Privileged altar. l. 6, no. 359. Privilege, privileged. See Appendix on privileges. Where, first, privileges in general are discussed, then no. 34.

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Concerning the privileges, in particular, of Ecclesiastics, Bishops, and Regular Canons. Here, you will find collected in one place all the privileges, about which in the entire work they are treated separately. Privileges of Regular Canons and Nuns. Book 5, number 60. And whether Nuns enjoy the privileges of religious persons. Ibid. Privileges of Regular Canons concerning the Divine Office. Number 63. Whether prelates can limit these privileges? Number 64. Whether in the Divine Office it is permissible to conform oneself with a privileged cleric? Number 161. Question 4. Whether one who has the privilege of a chapel is obligated to provide the celebrant? Book 4, number 324. See. Correctly. Privileges of Regular Canons concerning the Mass, whether they have been abrogated? Book 6, number 542. Whether one who has a privilege must choose an approved confessor? Number 543. And indeed, by the local Bishop. Numbers 547 and 548. Who have the privilege of choosing a confessor for themselves? Number 565. Whether Cardinals have this privilege for their family? Ibid. Doubt 2. He who excuses himself under the pretext of privileges is excommunicated. Number 602. See. Here, lastly. He who enters a monastery of nuns under the pretext of privileges. Book 7, number 222. Doubt 1. A probable opinion; if someone is in a probable occasion of sin. Book 6, number 435. Whether it is permissible to absolve with probable jurisdiction? Number 571. If a penitent wishes to follow a probable opinion, is the confessor obligated to absolve? Book 6, number 604. See. Opinion. Proof, which suffices for fulfilling a marriage promise. Book 6, number 878. Doubt 2. Probity required in the ministers of the Sacraments. Book 6, number 30. Whether they ought to precede confession? Number 54. If he is an ordained minister. Number 51. If he is not ordained. Number 52. If he ministers in a case of urgent mortal necessity? Number 51. What if he is by office, such as a parish priest, chaplain, and procurator, and midwives? Ibid. See. Furthermore. Probity required in those who administer the oils, number 73, and number 801, in fine. How is the process formed? Book 6, number 201. See. Note 4. During the time of proclamations, are girls excused from Mass? Book 4, number 350. See. Proclamation. When does

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a procurator sin in his office? Book 5, number 252. Concerning the salary of procurators. Number 235. A procurator concerning marriage. Book 6, numbers 885 and 886. Prodigality, and a prodigal. What is prodigality? Book 2, number 68. See. 5. Does a promise of a gift, with an oath, obligate? Book 4.

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185. Is it valid? 755. See also book 6, paragraph 851. But when. Profession, and the Professed. From whom is the profession of faith to be made? Book 3, paragraph 11. Conditions for religious profession. Book 3, paragraph 5. Is a professed in religion bound to go out to support his parents? Paragraph 67. When may a professed appeal? Book 3, paragraph 8. How and when does religious profession fulfill obligations? Book 6, paragraph 870. It fulfills a valid marriage. Paragraph 958. It invalidates a subsequent marriage. Paragraphs 1024 and 1025. It removes an impediment due to lack of birth certificates. Book 7, paragraphs 534 and 426. Offspring. Children of adulterers are admitted to hospitals. Book 4, paragraph 656. If offspring are born to the donor, etc. Paragraph 739. If, due to the multitude of offspring, the debt can be denied. Book 6, paragraph 941. If it is to be returned with harm to the offspring. Paragraph 951. Promise, and the Promisor. Does a simple promise obligate under pain of a penalty? Book 4, paragraph 720. A promise if it is made harmful, or if a change occurs. Ibid. See Note. A promise not confirmed by an oath. Book 4, paragraph 177. Is an implicit promise sufficient for a vow? Paragraph 200. Is it simony to promise an election for a benefice? Book 4, paragraph 66. A rapist with a true promise of marriage. Book 4, paragraph 642. See Question 1. With a false promise. Ibid. What if the woman is corrupted? Paragraph 646. A prodigal promise. See Prodigality. Does a gratuitous promise to say Mass obligate under pain of a penalty? Book 6, number 515, and number 317, Question IV. A promise of betrothal. Book 6, number 831. A promise if the Pope grants a dispensation. Paragraph 843. Does a false promise made to an adulteress create an impediment? Paragraph 1059. Is a conditional promise valid? Paragraph 1040. Is a patriarchal promise required? Paragraph 1. Is a promise of marriage valid when the spouse is living? Paragraph 1455. A judge's promise to free the accused, if she is his daughter. Paragraphs 1000 to 1055. Promulgation of the law. Book 1, paragraphs 1 and 96. Pronunciation required in pronouncements. Book 3, paragraphs 462 and 164. Does the one pronouncing satisfy if he does not hear? Paragraph 165. Does a submissive pronunciation in the choir satisfy? Book 4, number 673. See Doubt 4. Relative. Can a beneficiary give surplus to needy relatives? Book 4, paragraph 491, Question II. Is there an obligation to leave goods to relatives? Paragraph 946. Are heretical

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relatives to be denounced? Book 5, paragraph 250. Propolas, see Caupo.

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A heretical proposition is advanced through negligence. Book 5, chapter 254, section 2. Note II. The intention differs from the will. Book 4, chapter 199, section 2. A malicious intention is interrupted by a long time. Book 2, chapter 39, section 2. Is a virtual intention sufficient? Book 6, chapter 450, section 2. The intention must be firm, universal, and efficacious. Chapter 451. If someone certainly believes that he will relapse. Ibid. See here. What if an opportunity arises? Chapter 452. See Opportunity. Property, see Poverty. Is it permissible for anyone to kill the condemned? Book 4, chapter 576, section 2. Is it permissible for the condemned to defend themselves with weapons? Chapter 580, section 2, paragraph 1. No. A protestation of a bishop unwilling to ordain the unworthy. Book 6, chapter 784, section 2. It is questioned. A protestation that must precede the actions of clerics in a case of death. Book 7, chapter 467 and chapter 468, section 3. Is someone who incites to lust obligated to make restitution? Book 4, chapter 658, section 2. Someone who incites to drunkenness, so that another is prevented from a greater evil. Book 2, chapter 77, section 2. It is questioned. Prostitution, see Book 4, chapter 808, section 2. Questions to be asked of a procurer. Practice of Confession, chapter 61, section 2. Prudence is necessary in the confessional. Book 6, chapter 629, section 2. Concerning the election of opinions, see Practice of Confession, chapter 114 and chapter 115, section 2. Concerning the correction of errors in administration, ibid., chapter 116, section 2. Concerning the seal, ibid., chapter 117 and chapter 118, section 2. Concerning the acceptance of confessions of women, ibid., chapter 119 and chapter 120, section 2. Puberty and adolescence, see Impuberty. Public, see Occult. A girl permitting herself to be touched. Book 4, chapter 430, section 2. Is a girl who is oppressed obligated to cry out? Ibid. See. Which? Are pregnant girls excused from Mass? Book 5, chapter 330, section 2. During the time of proclamations? Ibid. If they know that they are lustfully desiring? Chapter 551, section 2. A girl receiving the religious habit. Book 5, chapter 5, section 2. Regarding nuns. Is a girl who is oppressed able to immediately expel semen? Book 6, chapter 934, section 2. Doubt 1. A legacy left to a girl so that she may marry one person; if she marries another, what happens? Chapter 853, section 4. Question IV. If it is so that she must not marry. Ibid. Question V. Girls who are detained in conservatories, before whom they must marry, before a parish priest. Chapter 1091, section 2. A girl striking a cleric who is soliciting her. Ibid, chapter 7, at the end. A boy. Can the Eucharist be given to boys before the use of reason? Book 6, chapter 246, section 2. Can they receive viaticum? Chapter 293, section 2 and chapter 301, section 2. Doubt 2. Must it be given during Easter immediately after

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discretion? Chapter 301, section 2. But.

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It is inquired: In what age? See above, section 5. But here: Should the Sacrament of Extreme Unction be given to children? See numbers 717 to 720. And should it be administered before the use of reason? See number 719. If a child is ordained before the use of reason, or before puberty? See number 810. How should children be examined in confession? See in *Praxis Confess.*, number 90. How should they be absolved? See number 91. When are children bound to observe ecclesiastical precepts? See book 1, number 453. When are they bound to observe feasts? See book 4, number 270. Should this be before the age of seven? See above. But see the more probable opinion. See book 1, number 455, and see questions at the end, and book 4, number 1012. When may meat be permitted to children? See the same, number 1012. A woman in childbirth is excused from fasting. See book 4, number 1035. Is she excused from attending Mass? See book 4, number 350. See *Bena*. Sympathetic powder. See book 4, number 20. See also: Is a small cloth required on the altar? See book 6, number 595. Can a minor bind himself without the consent of his guardian? See book 4, number 918. See also book 6. A minor. The purificator must be made of linen, and should it be blessed? See book 6, number 589. What is pusillanimity? See book 2, number 67. Should the pyx be blessed or consecrated? See book 6, numbers 383 to 385. If the pyx, having been consecrated, is placed outside the corporal? See number 217. How should the pyx be displayed, and may it be taken out of the tabernacle? See book 6, number 424, near the end. See also here. *QUADRAGESIMA*. Regarding abstinence from certain foods during Lent, see *Lacticinia*. Is it permissible for those who are fasting to speak about such foods? See book 7, number 259, at the end. Regarding quantity, see *Parva Materia*. Is a quinquagenarian woman excused from fasting? See book 4, number 1057. Daily Communion. See book 6, number 254. And see also in *Praxis Confess.*, number 152.

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R.R. De Causis Restitutionis, lib. 4, n. 548. De radicibus distinctionis specificæ peccatorum. lib. 2, n. 50. De distinctionibus numericis. n. 55, et n. 45.

Rapina, Raptor, et Raptus. Quid est *rapina*. lib. 4, n. 518. Num licet occidere *raptorem rei*? n. 585, v. Qu. 2. Ad quid tenetur *raptor sementis*? n. 444. Quum *crimen raptus* dirimat matrimonium? lib. 6, n. 1052, et n. 1106, et seq. *Raptores mulierum* excommunicantur. lib. 7, n. 212, ad 3. *Ratihabentes percussionem clerici* excommunicantur. lib. 7, n. 267. Num *ratihabentes homicidium* incurrant irregularitatem? n. 573. *Matrimonium ratum* solvitur per professionem religiosam. lib. 6, n. 958. Num in eo Papa possit dispensare? n. 959. *Matrimonia infidelium* sunt vera,

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sed non rata, unde solvuntur. n. 897, v. Prob. 1. Quam pœnam incurrat *rebaptizans*. lib. 6, n. 122. *Receptans*, vide *Recursus*. Num *recidivus* potest statim absolvi? lib. 6, n. 459, et seq. Et in *Praxi Confess.* n. 70, et seq. *Recitare Officium in mortali*. lib. 5, n. 178. Vide alia v. *Horæ Canonicæ*. *Reclamatio contra professionem*. lib. 5, n. 8.

Recursus. Quando *præbens recursum* teneatur restituere? lib. 4, n. 568. *Reductio missarum* à quo pecienda. lib. 6, n. 551. Et ob quam causam. ib. v. *Causæ*. Num potest fieri ab Episcopo, vel à capellano? ibid. v. *Dub. 1*, et *Dub. 2*. Quid si capitale maneat otiosum? n. 524, v. *Hic autem*. *Referentes* ad quid teneantur. lib. 5, n. 227. Quando peccant? n. 228.

Regnum. In regnis Siciliae in quibus festis permittuntur opera servilia. lib. 4, n. 268, v. *Hic*.

Regula. Num teneantur ad regulam religiosus, Cardinalis, vel Episcopus? ibid. 5, n. 5. Num teneantur religiosi obedire in iis, quæ sunt contra vel supra regulam? n. 40. *Regula obligans sub peccato*. n. 41. *Regula non obligans ad culpam*. n. 42. Num sit obediendum prælato reformanti regulam? n. 44.

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Regulars when they may administer the Eucharist. Book 6, paragraph 240. May they do so at Easter? Paragraphs 239 and 240, line 5. Are they bound to observe the Bishop's regulations concerning Masses? Paragraph 520. May they celebrate in a portable altar? Paragraph 560. May those approved in one diocese receive confessions in another? Paragraphs 549 and 564. May they be prevented from doing so by a parish priest? Paragraph 574. May they hear confessions from those other than members of their own order? Ibid. What if they die or travel elsewhere? Paragraph 575. May they be confessors to nuns? Paragraph 577, note 3. In what cases may they reserve [the sacrament]? Paragraph 585. Are they subject to the Bishop's reservation? Ibid. See here. Are novices subject to this? Ibid. What if these [individuals] have committed reserved sins before entering [the order]? Ibid. What if the superior denies the designated confessor the faculty to hear confessions of reserved sins? Paragraph 586, line 5. If the superior... What if there is an urgent need to administer Communion, etc.? Ibid. The superior may deny [permission] for a reason. Ibid, line 6. May abbots absolve secular subjects from secrets concealed from the Pope? Paragraph 895, line Eamdem. May regulars absolve from reserved sins imposed by Bishops? Book 6, paragraph 599, line Mendicantes. And Book 7, paragraph 98. But may they absolve from reserved sins imposed by the Pope? Book 7, paragraph 96. May they absolve from sins reserved to the Bishop by law? Book 7, paragraph 99. What may they do regarding their own subjects? Book 7, paragraph 101. What if they administer Extreme Unction to laypersons without permission? Book 6, paragraph 722. However, they may give the Viaticum to their family members. Ibid. And to others in

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necessity, if the parish priest is absent. Paragraph 723. From which Bishop must regulars receive ordination? Book 6, paragraph 768. From whom must they be examined? Ibid. What penalties do they incur against others? Ibid. and paragraph 787. Must they have the dismissal letters of their ordaining superiors? Number 788, note 8. May they be ordained from the number of ordaining superiors? Paragraph 797, Dub. 3. May they be ordained on any double feast day? Dub. 1. May they dispense in a vow of portation made before marriage to obtain a debt? Book 6, paragraph 987, line An autem. But may they do so? May they dispense in a case of impediment due to incest? Book 7, paragraph 976. What may they do regarding censures? Book 7, paragraphs 94 to 107, and 114. May they absolve monks or clerics who have struck someone? Paragraph 107. May they dispense in irregularities, and in which cases? Paragraph 585. May they dispense in homicide committed deliberately? Paragraph 596. May they dispense in homicide committed by accident? Paragraph 469, at the end. May they dispense in homicide committed against the soul? Paragraph 400, at the end. May they dispense in homicide committed against the body? Paragraph 414, at the end. May they dispense in homicide committed against gentleness? Paragraph 469, at the end. See also line Mendicantes. Concerning the intercourse of regulars with nuns. Book 7, paragraphs 232 and 256. Are monasteries of regulars exempt places? Book 7, paragraph 24. See also line Religiosus.

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Reiterating the Sacraments under a condition. Book 6, chapter 28. Dispensation from an oath. Book 4, chapters 191 and 192. And whether they can be granted by a third party, for the benefit of another, etc.? Chapter 193. Religious Orders. Concerning simony in entering a religious order. Book 4, chapters 91 and 92. Penalties for entering a religious order through simony. Chapter 108. See "Certum." Concerning one who withdraws from a religious order. Book 4, chapter 662. Concerning the constitution of Trent regarding the renunciation of those who withdraw. Chapter 955. When are those who have taken a vow excused? Book 5, chapter 72. When is it permissible to transfer to another religious order? Chapter 73. Concerning those called to a religious order who neglect to enter. Chapter 78. The Religious. What is the state of a religious? Book 5, number 4. Requirements for profession. Doubt II. To what is a religious bound by the force of his profession? Doubt III. To what is a religious bound by the force of his vows? Doubt IV. To what are ejected and fugitive religious bound? Doubt VI. Is a religious bound to obey in a case of doubt, whether the matter is licit? Book 4, number 31, and Book 5, number 47. What if there is a probable opinion that he is not bound? Book 5, chapter 47. See "Limitant." What if there is only a probable opinion prohibiting it? Ibid. See "Infertur II." Is it permissible for a religious to kill a thief? Book 4, chapter 584. And does he incur irregularity thereby? Ibid. A religious priest who violates chastity.

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Book 4, chapter 435. Can a religious bishop dispose of [goods], etc.? Book 4, chapter 492. See "An autem," and Book 5, chapter 2. A religious urging someone to leave goods to the monastery, and not to the mother Church. Book 4, chapter 588. Hunting is forbidden to religious. Chapter 606. Commerce is forbidden to religious: see "Clericus." A religious spending on frivolous things with general permission. Chapter 873, and Book 5, chapter 29. Can a religious gain more from gambling than he loses? Book 4, chapter 874. What if he stakes more than he can afford? Chapter 875. Playing games of chance is forbidden to religious. Book 4, chapter 901. Is playing cards permitted? Ibid. A religious attending gamblers. Chapter 903. Can a religious executor apply legacies to his monastery? Chapter 937. Are religious over the age of sixty bound by the fasts of the rule? Book 4, chapter 1056. Can sons become religious in the necessity of their parents? Book 5, chapter 66. What if the parents are unaware? Chapter 68. Are the parents in necessity? Chapter 69. Are the brothers in necessity? Chapter 70. Are the pastors in necessity? Chapter 74. Are the clerics in necessity? Chapter 75. Are the bishops in necessity? Chapter 76. Are they burdened with debts? Book 5, chapter 71. What if they have made profession? Ibid. See "Si verd." All religious are bound to the divine office. Book 5, chapters 141 and 142. Religious testifying in a case concerning the monastery. Chapter 265. Can a prelate annul the vows of religious? Book 4, chapter 235. Can an abbess? Ibid. and chapter 239, and Book 5.

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54. Can a cleric, even if he is a curate, become a religious, against the will of the Bishop? Book 6, number 828. Can a man become a religious after having obtained a divorce? Number 969. What if the divorce was obtained because of the wife's cruelty? Number 971. Question 5. Can religious men be godfathers? Number 187. Relics. Is it sacrilegious to steal the relics of the Saints? Book 4, number 45. Carrying relics while violating chastity. Book 4, number 463. But not, if... Giving relics to a prostitute for money. Ibid. Stealing a small relic. Number 552. Do relics belong to the religious? Book 5, number 14. See question. Do relics of food break the fast if they are swallowed? Book 6, number 279. Doubt 1. Are relics removed from the altar? Book 6, number 569. Doubt 2. Remedies against scruples. Book 4, number 12. Remedies against distractions during the Office. Book 5, number 177. See. Remedies against carnal movements. Book 2, number 8. See also Medicine. General remedies to be suggested to penitents, see Practice of Confession, number 15. Particular remedies. Ibid, number 16. Remission, and to remit. Remission of the father's sin, to the detriment of the children. Book 4, number 650. Remission of a lost reputation. Number 1003. See question. Should remission be granted to an enemy, instead of public vengeance? Book 5, number 29. If a spouse remits adultery, he cannot divorce. Book 6, number 966. See Fourth. Remission to be granted

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238. Can a priest communicate himself? No.

239. Can a priest ever celebrate the Mass while in mortal sin, without having confessed?

240. When is it permissible to say that the supply of confessors is lacking?

264. How is the obligation of establishing [a church] to be understood?

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266 and 267. If a priest remembers a sin during the celebration of Mass.

262. Does a lay communicant need to wear an alb?

276. Does an administrator of the Eucharist sin gravely if he does so without an alb?

241. v. 1. Is a priest obligated to celebrate Mass frequently?

315. And when? Ibid. Question 2. Can a wealthy priest accept a stipend for a Mass?

317. Differentiating between celebrating and accepting a stipend when he is sinning. Ibid. Question II. If he omits [celebrating] after accepting a small stipend. Question III. If he omits a Mass promised gratuitously. Question IV. See other sections. v. Stipend. Can a simple priest absolve from venial sins?

345. Can he absolve a dying person, in the presence of an approved [spiritual advisor]?

561 and 562. When is it permissible?

563. Who is the proper priest [to administer last rites]?

670 and 564, and Book 7, sections 70 and 92. Can a simple priest, under the danger of death, be obligated to hear the confession of a dying person in mortal sin?

624. Is he obligated to make himself available to receive confessions in times of necessity?

625. And in Practice of Confession, section 50. A priest abusing the sacrifice for sorcery.

703. To what is he obligated by the obedience given to the Bishop?

828. Can he become a religious if the Bishop is opposed? Ibid. If a man, after having been divorced, wishes to become a priest.

969. About negligent priests, questions should be asked of the confessor. See Practice of Confession, section 49.

43. The sacraments cannot be administered to someone who is not in a state of grace, and to whom, with probable or more probable opinion.

50. What about the Sacrament of Penance?

51. Is it permissible to administer [the sacraments] to someone with a probable [opinion of their state of grace]?

47 and 49. Is it permissible to request the Sacrament from a sinner?

43. Is administering the sacraments to a sinner in an improper manner sacrilegious?

41 and 112. Can something be received for the administration of the sacraments? Is there a penalty for selling the sacraments?

358. Concerning the obligation of pastors to administer the sacraments, especially during times of plague.

379. Is a judge obligated to give the accused time to receive the Sacrament

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91 and 92. How do they cause grace?

92. He who supposes [something] falsely...

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925. Concerning testaments for pious causes.

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if a common agreement is made? Ibid., Question IV. Divinatory lots, are they permissible? Book 4, paragraph 10, verse 11. Divisive lots, ibid., verse 12. What is sortilegium? Book 4, paragraph 6, at the end. Species. Do blasphemies against God and the Saints differ in species? Book 4, paragraph 152. Are subordinate species to be explained in sacrilege? Paragraph 54. Do unsightly aspects give the appearance of an object? Book 4, paragraph 421, see Note. Does the union of a betrothed person with another differ in species? Paragraph 474. (See also Book 6, paragraph 847.) Are all incestuous acts of the same species? Book 4, paragraph 448. (See also Book 6, paragraph 469.) Roots of the diversity of species. Book 2, paragraphs 50 and 51. Are sins distinguished by species due to the diversity of precepts? Book 2, paragraph 35. A sin of a lighter species compared to a sin of a superior species. Paragraph 54. An agreement in a loan, so that the thing is returned in the same species. Book 4, paragraph 782. The species of the Eucharist, and for how long are they conserved? Book 6, paragraph 225. Is both species required for the Sacrifice? Paragraphs 195 and 196, and paragraph 506. Is there more grace obtained from the reception of both species? Paragraph 228. Ownership is acquired through specification. Book 4, paragraph 496. Hope. The act of hope. Book 3, paragraph 7. Concerning the precept of hope. Paragraph 20. Sin.

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The spouse discovers a blood relationship with the betrothed after the dispensation has been granted. No. 1140. What if the betrothed engage in incestuous relations before the dispensation is carried out? No. 1141. If the betrothed belong to different dioceses, must each be dispensed by his own Bishop? No. 1142. A bastard is not obligated to believe his mother. Law 4, No. 654. What can be requested from the father, and from the mother? No. 931. If the father leaves goods to another, so that he may give them to the bastard. No. 932. See "Illegitimate." Statute. Are religious bound by new statutes? Law 5, No. 45. Is sterility a cause for the remission of a pension? Law 4, No. 860. Can a servant demand a salary if he leaves service? Law 4, No. 545. After three years have elapsed? No. 347. If a servant serves without a stipulated salary. No. 348. Can he demand compensation for the salary? No. 349. Is a salary due to a sick servant, or are expenses of care to be paid? Law 4, No. 864. The salary of a lawyer. Law 5, Nos. 224 and 225. The salary of a procurator. No. 253. A priest celebrating Mass for a salary, etc. Book 4, No. 55. The salary for Mass, see Law 6, Nos. 515 to 353. A priest postponing the celebration of Mass. No. 517. Question II. What if Masses are offered for the community? Ibid. See Advertisement. From whom and how is the salary to be assessed? Nos. 319 and 320. Is it permissible to agree upon a salary? Ibid. Doubt 4. It is not permissible to retain a portion of the salary. No. 521. Who are excepted? Ibid. See From this. To whom must the retained portion be restored? No. 322. Doubt I. What about the executor? Ibid. Doubt 2. Concerning the collector of offerings for Masses. Doubt 3. Can Masses of greater salary be exchanged for Masses of lesser salary? Doubt 4. Concerning the administrator of the Church. Doubt 5. Concerning the obligation of the parish priest to apply Masses. Law 6, Nos. 323 to 526. Concerning new Masses offered for a salary. No. 327. Concerning the designated place and time for the administrator. No. 528. What if the Bishop grants a dispensation? No. 329. Concerning

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c. l. 6 n. 276. Does a minister sin gravely if he celebrates the Eucharist without a stole? n. 241. v. Ministrare. Vestment. Layers of clothing are not permitted, except for royal persons. l. 7 n. 540. at the end. Are fringes permitted? l. 4. n. 26. Rape, and the Rapist. Is rape a special sin? l. 4. n. 445. To what is the rapist held accountable? n. 640. The rapist who has a vow of chastity. n. 649. One who violates a relative. n. 650. What if he falsely promises to obtain a dispensation? Ibid. v. Major. To suggest a lesser evil in order to avoid a greater one. l. 5. n. 57. One who suggests damage, see Counsel. Subdelegation. Can a delegate subdelegate? l. 1. n. 193. Subdeacon, and Subdiaconate. To which part of the office is the subdeacon bound on the day of ordination? l. 5. n. 140. v. Therefore, the subdeacon reciting the office before ordination. Ibid. v. But. The subdeacon ministering in a mortal condition. l. 6. n. 58. Is the subdiaconate a sacrament? n. 756. and 757. v. Second. Concerning its matter and form. n. 746. and 747. Can it be conferred by a simple priest, or an abbot? n. 762. From what time was he a priest? Ibid. v. Question. Can it be received simultaneously with the minor orders? n. 797. Subordinate. Are the vows of subordinates valid, until they are annulled? l. 4. n. 251. Are pilgrims made subordinates of the local Bishop? l. 1. n. 456. v. Doubt 1. They prove 2. Can the Bishop dispense in these vows, oaths, etc.? 458. Those who come in the name of subordinates. l. 7 n. 79. Note IV. ... superiors can dispense with their subordinates, just as the Bishop in vows and hidden irregularities, etc. n. 100. Subterfuge, and Deception, what... n. 183. v. It is asked. Is the substitute of the Penitentiary... for the office in the choir? l. 5. 151. v. By no means. When can the successor of the locator expel the leader? l. 4. n. 859. Unjust suffrage. l. 4. n. 566. Excommunication deprives one of suffrage. l. 7. n. 162. The superior cannot deny suffrage from knowledge of confession. l. 6. n. 656. Expenses, see Expenditure. Pride, and its daughters. l. 2. n. 63. Can the superior annul vows made before subjection? Vol. X.

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l. 4. n. 257. In dubio an vota sint emissa post subjectionem. (Concerning whether vows are made after taking holy orders; see the same place.)

Si votum factum sit tempore subjectionis. (If a vow is made at the time of taking holy orders; see the same place.)

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n. 238. Si superior votum ratificaverit. (If the superior ratifies the vow; see the same place.)

n. 259. Superior audiens detractionem. (The superior hearing a slander; see the same place.)

l. 4. n. 980. Vide alia v. Prælatus. (See other passages concerning the bishop; see the same place.)

Superior non potest uti notitià confessionis ad gubernationem. (The superior cannot use knowledge of confessions for governance; see the same place.)

l. 6. n. 635. Neque ad negandum suffragium. (Nor to deny suffrage; see the same place.)

n. 637. Superstitio quid et quotuplex. (What is superstition, and in what ways does it occur? see the same place.)

l. 4. n. 1 et 2. Quæ sit superstitio falsi cultus et cultus superflui. (What constitutes superstition, false worship, and superfluous worship? see the same place.)

n. 3. et 4. Superstitiosi quando denunciandi. (When are superstitious practices to be denounced? see the same place.)

l. 5. n. 253. Suppletio, et Supplere. (Substitution, and to substitute; see the same place.)

Beneficiarius supplens officium altera die. (A beneficiary substituting for another on a different day; see the same place.)

l. 4. n. 667. An inservientes choro teneantur supplere omissa? (Are those serving in the choir obligated to substitute for those who are absent? see the same place.)

l. 5. n. 145. v. Notandum 3. (Note 3; see the same place.)

Suppletio animalium in societate. (The substitution of animals in a religious community; see the same place.)

l. 4. n. 909. Qu. 2. (Question 2; see the same place.)

Supplicatio, vide Formula. (Supplication; see the formula; see the same place.)

Supplicium. (Punishment; see the same place.)

Clerici assistentes supplicio an peccent? (Do clerics who assist at an execution sin? see the same place.)

l. 7. num. 465. (See the same place.)

Suppositio. (Presumption; see the same place.)

Ad quid tenetur adulter, si non fuerit causa suppositionis prolis. (To what is an adulterer bound, if he is not the cause of the presumption of paternity? see the same place.)

l. 4. n. 659.

Surdus, et Surdaster. (Deaf, and hard of hearing; see the same place.)

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Canonici surdi an excusentur à choro? (Are deaf canons excused from singing in the choir? see the same place.)

l. 5. n. 150.

Dub. 2. An surdi, vel surdastri satisfaciant recitando in choro? (Can the deaf, or those who are hard of hearing, fulfill their obligation by chanting in the choir? see the same place.)

n. 163.

Qu. III. Surdus excusatur à confessione. (A deaf person is excused from hearing confessions; see the same place.)

l. 6. n. 479. v. 2.

Quomodo se gerere debeat confessarius cum surdo, vide in Prax. Confess. n. 102. 103 et 104. (How a confessor should act with a deaf person, see in the Practice of Confession, numbers 102, 103, and 104; see the same place.)

Quomodo cum eo cujus surditas inter confitendum patefit. (How to act with one whose deafness becomes apparent during confession; see the same place.)

l. 6. n. 644. v. Petes. (See the same place.)

Si confessarius sit surdus. (If the confessor is deaf; see the same place.)

n. 499.

Surdus, mutus, et cæcus an possit extremam Unctionem suscipere? (Can a deaf, mute, and blind person receive the Sacrament of Extreme Unction? see the same place.)

n. 732. v. 3.

Surdus an sit irregularis? (Is a deaf person irregular? see the same place.)

l. 7. n. 405.

Susceptio, et Suscipere. (Reception, and to receive; see the same place.)

vide Eucharistia, et Communio. (see Eucharist and Communion; see the same place.)

Excommunicatio impedit à susceptione Sacramentorum. (Excommunication prevents the reception of the Sacraments; see the same place.)

l. 7. n. 458.

Quid si in bora fide. (What if there is a doubt about faith? see the same place.)

n. 459.

An liceat suscipere Sacramenta ab excommunicatio tolerato? (Is it permissible to receive the Sacraments from one who is merely tolerated despite excommunication? see the same place.)

n. 163.

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An adsit pæna? (Is there a penalty? see the same place.)

n. 172.

Irregularitas ob malam susceptionem ordinum. (Irregularity due to the improper reception of Holy Orders; see the same place.)

n. 560. et 561.

An irregularitatem incurrit qui suscipit ordinem censurà irretitus? (Does one incur irregularity by receiving Holy Orders while under censure? see the same place.)

l. 6. n. 799.

Dub. 3. v. Utrium. (Doubt 3; see the same place.)

Suscipere Sacramenta cum opinione probabili. (To receive the Sacraments with a probable opinion; see the same place.)

l. 1. n. 51.

Suspensio, et Suspendere. (Suspension, and to suspend; see the same place.)

Suspensio imposita an inducat mortale? (Does an imposed suspension induce a mortal sin? see the same place.)

l. 1. n. 146.

Suspensio quid et quotuplex. (What is suspension, and in what ways does it occur? see the same place.)

l. 7. n. 342.

Quis suspendi et suspendere potest. (Who can suspend, and who can be suspended? see the same place.)

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An incurratur suspensio levis ob veniale peccatum? (Is a lesser suspension incurred for a venial sin? see the same place.)

n. 50.

An ad suspensionem incurrendam requiratur scientia legis? (Is knowledge of the law required to incur a suspension? see the same place.)

n. 44.

An peccet? (Does one sin? see the same place.)

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another diocese? Question 2. Must the suspension be done in writing? n. 517. at the end. Common suspensions of clerics. n. 318. Of religious. n. 519. Of bishops. n. 520. Can anyone suspend for a minor offense? n. 524 see. Who can absolve from suspension? n. 522. A Latin or Greek priest who does not celebrate in his own rite is suspended. l. 6 n. 202. A suspension must be imposed on those inquiring about the name of a fellow [cleric], etc. n. 491 and 492. He who ordains someone of a different rite is suspended, as is the one who is ordained. n. 769. Also, he who receives two sacred orders on the same day. n. 796. What if he does not observe the intervals [between orders]? ibid. Question 2. What if he receives the Minor Orders with the subdiaconate? n. 797. What if someone is ordained before the age of reason due to gross ignorance? 799. see. But here. If he is ordained by his own bishop in a foreign diocese. n. 798. see. Add. What if he is ordained without a title? n. 820. Rash suspicion. l. 4. n. 963 and 964. How is judgment distinguished from suspicion? n. 965. The support of a beneficiary. l. 4. n. 491. Question II. and Question V. What is whispering? l. 2. n. 72. see. 2. Daughters. When does a shoemaker sin? l. 3. n. 292. see. 4. Sweating on a feast day. l. 4. n. 290. Is a shoemaker excused from [certain] duties? n. 1041. The Creed of the Apostles need not be known by all. l. 5. n. 1. The Creed, while being sung, prevents one from celebrating Mass. l. 6. n. 424. see. 5. Is smoking tobacco through the nostrils an impediment to Communion? l. 6. n. 280. Question 1. Is the smoke of tobacco? Question 2. Tobacco leaves or aromatic substances rubbed on the teeth. Question 3. When do tailors sin? l. 3. n. 250 and 231.

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Trehellianica. I. 4. n. 961. Tributum [tribute], see Gabella [tax]. Triennial possession for acquiring movable property and benefices. I. 4. n. 507. v. If anyone. To steal the property of Turks. I. 4. n. 525. Turpis [shameful]. A contract concerning a shameful thing. I. 4. n. 712. And to whom must restitution be made then? ibid. Turpiloquium [obscene language], see Verba obscena [obscene words]. Tutor to whom it is given, and to what is he bound? I. 4. n. 917 c: 918. The ward obligating himself without the consent of the tutor. d. n. 918. v. 6. The ward. Can the tutor annul the vows of the ward? I. 4. n. 229. The typesetter composing on feast days. I. 4. n. 282.

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VACANT. If anyone holding a benefice accepts another, the first is vacant: *l. 3, n. 116*. See Note. What if the benefice is simple? *n. 418*. See Query. Are vagrants bound by the laws of a place, etc.? *l. 1, n. 148*. Where should a vagrant receive the Paschal Communion? *l. 6, n. 240, n. 9*. The marriage of vagrants. *n. 1089*. Value, see Price. Vain glory. *l. 2, n. 66, n. 5*. What is vain observance, and how many kinds are there? *l. 4, n. 14*. Vaasa. Is it permissible for women to touch sacred vessels? *l. 6, n. 582*. Is it permissible for a man to begin copulation in the church? *n. 916*. Is it permissible for the elderly and infirm to copulate within the church grounds? *n. 954*. Doubt 2. Vectigal, see Tax. Should a sail be blessed? *l. 6, n. 589*. Hunting, and to hunt. Hunting in the diocese. *l. 4, n. 285*. Wild animals captured in the hunt. *l. 4, n. 604 and 605*. Hunting is forbidden to clerics and religious. *n. 606*. Sale, and to sell. What is a sale? *l. 4, n. 795*. Is a determination of the price required? *n. 794*. What if an earnest is given? Ibid. Is a written agreement, delivery, and payment of the price required? *n. 795 and 796*. To whom do the fruits of the land belong? *n. 797 and 798*. If a thing is bought with another's money. *n. 800*. If another's thing is sold. *n. 800*. What if the value of a thing is increased? *n. 801*. Concerning usury. *n. 802*. Concerning the fixing of a price. *n. 803*. Concerning the variation of price. *n. 804 to 811*. Concerning a contract for repurchase or redemption. *n. 812 and 815*. Concerning monopolies. *n. 4 to 817*. Concerning the defect of a thing. *n. 818 to 824*. Concerning female sellers. *n. 825 and 826*. What if a thing is sold to two buyers? *n. 827*. What if a sold thing perishes? *n. 828*. Concerning chirographs. *n. 829*. To sell the right of patronage, and the right of burial. *l. 4, n. 71*. The sale of sacraments, jurisdiction, a removable office, etc. *n. 103 and 111*. Selling dice, swords, poisons, etc. *l. 3, n. 71*. Is the sale of a benefice, by divine law, simony? *l. 4, n. 70*.

[*Latin ed. p. 886*]

Selling on a feast day. Book 4, number 285. Reclaiming property that has been sold to another. Book 4, number 601. Can the price be paid to the creditor of the seller? Book 4, number 685. Is it permissible to sell one's

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children to pagan parents? Book 6, number 155. What may female vendors earn? Book 4, number 825. Questions to be asked of female vendors. Practice of Confessors, number 61. Those who drink poison. Book 4, number 369, at the end. Selling poison. Book 3, number 71. Does giving poison to a cleric incur excommunication? Book 7, number 280. Doubt 2. Venial sins. A vow to avoid all venial sins. Book 4, number 205. Proposing to commit all venial sins. Book 3, number 12. Is a venial sin against divine law? Book 2, number 11. See also: Sin. Approaching Communion with a habitual venial sin. Book 6, number 270. With an actual venial sin. Ibid., Question II. What kind of sorrow is required for venial sins? Number 449. See: Sorrow. If a spouse asks for absolution with a venial sin. Number 946. How should the words of the law be interpreted? Book 1, number 200. Obscene words. Book 4, number 426. Are sacrilegies committed in the Church? Number 461. Are beatings a cause for divorce? Book 6, number 972. Truth required in an oath. Book 4, number 147. The hour of Vespers, when does it begin? Book 3, number 174. See: Vespers. Vestments. A woman wearing men's clothing. Book 3, number 52. See 2. Is it permissible to wear the clothing of non-believers? Book 4, number 15. Converting sacred vestments to profane use. Book 4, number 41. A poor person mending vestments on a feast day. Number 297. A tailor mending vestments on a feast day. Number 303. How does one sin when administering the Eucharist without vestments? Book 6, number 241. Does one sin when celebrating Mass without vestments, even out of fear of death? Number 377. Doubt 2. Is it permissible to celebrate Mass without vestments in order to give Viaticum? Number 289. How are sacred vestments desecrated? Number 371. Can they be applied to profane uses? Ibid. See: Parts, and number 377, in the figure. Can any vestment ever be omitted during Mass? Number 376 and 377. Can they be made from women's clothing? Ibid. They must be clean. Ibid. Vestments must be blessed. Number 578. They must be of the assigned color. Ibid. Doubt 3. Do they remain blessed after being used in Mass? Number 379 and 380. Who is permitted to touch the vestments, the vessels, and the sacred objects? Number 582. Can vestments be omitted when administering Extreme Unction? Number 726. If it is permissible to take vestments from the altar. Number 424. See 3. Inferior.

[*Latin ed. p. 887*]

Annoyance. The parish priest mitigates annoyance. Book 4, chapter 98-99. To restore order during feasts. Book 4, chapter 505. Viaticum. It is not permitted to consecrate the Viaticum in a single species. Book 6, chapter 496. Nor in fermented [wine]. Chapter 205. Question 2. Any priest can administer the Viaticum in the absence of the parish priest. Chapter 236 and chapter 259. Indeed, even a deacon. Chapter 256. Also, regular clergy. Chapter 240. Concerning lay people? Chapter 257. Then. Is it permissible for lay people and clerics to receive the Viaticum themselves? Ibid. Ques-

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tion 2. When can the Viaticum be given to those who are not fasting? Chapter 284. What if they have already received the Viaticum previously? Chapter 283. Is one obligated to receive it who has received only a partial communion out of devotion? Ibid. Question 2. What if one has received communion in the morning? Question 3. Can the parish priest ever omit those words: "Receive the Viaticum"? Question 4. Can it be given with ablutions? Chapter 288. See. Is it permissible for a priest who is not fasting to celebrate Mass to administer the Viaticum? Chapter 286. Can it be given to children? Chapter 295. Is a sinner obligated to receive it again after receiving the Viaticum? Ibid, chapter 4. Can it be given to those who are condemned? Chapter 285. See. However, here. Necessity in administering the Viaticum excuses from confession before communion. Chapter 260. It also permits celebrating at midnight. Chapter 345. See. In cases of necessity. Can the Viaticum be given after Extreme Unction? Chapter 716. A traveler when is excused from Mass? Book 4, chapter 528. Can a Vicar General grant permission to hear confessions, even if the Bishop objects? Book 6, chapter 558. Can he be chosen as confessor for nuns? Book 6, chapter 377. Note 3. Can he dispense in cases of marriage impediments? Chapter 1007. Can he impose censures? Book 7, chapter 103. See. IV. Can a Bishop absolve hidden papal cases through a Vicar General specifically appointed? Book 6, chapter 594. Question. Note. Book 7, chapter 95. Can he absolve heresy through a Vicar specifically designated? Book 7, chapter 90. Can a Capitular Vicar absolve hidden papal cases, just as a Bishop? Book 6, chapter 595. See. Condemned. He cannot grant dispensations for ordination. Chapter 587. To be noted 5. Victor and Defeated. Can the victor and the defeated be permitted to retain the winnings? Book 4, chapter 887. What if he obstructs the judge, etc.? Chapter 888. What if he played with the intention of recovering [the winnings]? Chapter 889. Is the defeated in a forbidden game obligated to pay? Chapter 890. What if he denies the law? Chapter 891. Can the defeated request a relaxation of the oath? Chapter 892. Can he demand compensation for the amount paid? Chapter 893. Can he compromise if he falsely claims to intend to recover [the winnings] in court? Chapter 894.

[*Latin ed. p. 888*]

Culmore. Compelling a widow to unlawful carnal intercourse under the guise of a promise of marriage. Book 4, paragraph 646. Can a legacy be bequeathed to a widow for the benefit of her daughters? Paragraph 950. Question 5. A widow taking pleasure in a past sexual act. Book 2, paragraphs 25 and 24. He who takes a widow as his wife is irregular. Book 7, paragraph 437. Vigil. Is it permissible to augment the meal during the vigils of the Nativity of the Lord, of Easter, and of Pentecost? Book 4, paragraph 1025. See also: In vigil. Bond. Divorce concerning the bond. Book 6, paragraph 935. Is it permissible to seek public vengeance? Book 3, paragraph 29. See also: Permissible. Serving wine to those who are intoxicated. Book 3,

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paragraph 69. Selling wine mixed with water. Book 4, paragraph 820. Is it permissible to drink wine during fasts? Paragraph 1022. Wine from grapes is the material of the Eucharist. Book 6, paragraphs 206 to 210. Wine that is fermenting. Ibid., paragraphs III. Water to be mixed with wine. Paragraphs 208 to 210. Does omitting the wine in purification remit sin? Paragraph 408. Is water mixed with wine converted into the blood of Christ? Paragraph 209. To violate. Is a woman bound rather to suffer death than to be violated? Book 4, paragraph 568. See also: Other terms: Rape, Fasting, Secret. Violation of the Church. Book 6, paragraph 561. See also: Church. Violation of the seal, see Seal. Violation of a censure induces irregularity. Book 7, paragraphs 357 and 358. Man, see Husband. Can a man delight in the beauty of another, so as to incite himself to carnal intercourse? Book 6, paragraph 915. Can he delight in another's sexual act? Paragraph 914. See also: Other terms: Debt. When is he bound to do so? Paragraph 928. Can a husband expel his wife if the dowry is not paid? Paragraph 959. Question 1. Is he then bound to support her? Ibid. See also: But here. What if she has committed adultery? Ibid., Question 3. Is a husband bound to divorce an adulterous wife? Paragraph 963. Can a husband become a religious, with his wife still living in the world? Paragraph 975. If a virgin is violated and refuses to consent, is the man bound to provide her with a dowry? Book 4, paragraph 648. See also: Other terms: Girl, Legacy, and Woman. Do the virtues of a penitent fall under the seal? Book 6, paragraph 641. Force. Preventing another from a good thing without force. Book 4, paragraph 582. Preventing with force. Paragraph 587. What if by prayer? Ibid. Repelling force with force, even to the point of the aggressor's death. Paragraphs 580 to 592. Is it permissible for the proscribed to repel force with force? Book 4, paragraph 580. Is it permissible for a guilty person to repel force with force? Book 5, paragraph 279. Force used to extort marriage. Book 6, paragraph 1045. See also: Fear.

[*Latin ed. p. 889*]

Visitation. The bishop or regular prelate visiting nuns. Book 5, chapter 56. Are visitors excused from the choir? Book 5, chapter 151. Verse. They are excused. Life. Is it permissible to diminish one's life through mortifications? Book 4, chapter 371. Are we bound to use extraordinary, or excessively harsh, remedies to preserve life? Chapter 372. Vitalitius census, is it permissible, and when? Book 4, chapter 844. To be avoided. Can an excommunicated person, who may absolve a dying man? Book 6, chapter 88. But it is better to see chapter 560. See Question I. What is to be avoided? Book 7, chapter 155, and chapter 135, and following. Concerning the suspended and the interdicted, who are to be avoided. Chapter 140. When is a cleric to be avoided? Chapter 141. When may it be believed that someone who is avoided has been absolved? Chapter 146. Communicating in the sacred mysteries with someone who is to be avoided. Chapter 175. Reciting

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the private office with him. Ibid. Communicating civilly. Chapter 188. See Excommunicated. Can a person who is to be avoided validly administer the Sacraments? Chapter 166. Can he ever administer absolution? Chapter 167. Can he ever do so licitly? Chapter 169. The penalty if he administers. Chapter 171. Is it permissible for someone who is to be avoided to use the sacraments, and to pray privately in the church? Chapter 174. If he does not wish to leave the church, to what are clerics bound? Chapter 176. To what are those attending the same Mass bound? Ibid. A defect in a thing, hidden in its essence. Book 1, chapters 819 and 820. What if the thing is more perfect than others? Chapter 820. Selling something for something else. Chapter 821. A defect concerning quantity. Chapter 822. Concerning quality. Chapter 825. Glass, is it permissible to cook in it on feast days? Book 4, chapter 300. Divine vocation to the orders. Book 6, chapters 75 and 82. One called to religion, is it a sin to neglect the vocation? Book 5, chapter 78. Will. Can last wills be changed by the Pope? Book 4, chapters 951 and 939. Can they be changed by bishops? Dict. Chapter 931. Question II. Is the consent of a heretic required at that time, and for what reason? Ibid. Doubts 1 and 2. The will to be ordained is required in a beneficiary. Book 5, chapter 115. What if the will is doubtful, or conditional? Chapter 114. A perverse will, if it remains in effect, do sins increase? Book 2, chapter 40. Pleasure. Is it permissible to take emetics for pleasure? Book 4, chapter 1019. To prepare food on feast days for pleasure. Chapter 298. To eat for pleasure. Book 2, chapter 73. Is it permissible to have conjugal intercourse for pleasure? Book 6, chapter 912.

[*Latin ed. p. 890*]

Vomiting. Whether it is permissible to communicate to one who is vomiting. Book 6, chapter 292. Vow, and to Vow. What a vow is, and how often it may be made. Book 4, numbers 194 and 195. What is required for the deliberation and intention of a vow. See ibid., Question II. What if someone vows with the intention of not promising, or not fulfilling, or not obligating themselves? Book 4, number 201. Concerning the matter of a vow. See Question III. Concerning the obligation of a vow. See Question IV. In how many ways is the obligation of a vow removed? See Question V. What if an unforeseen circumstance arises? Book 4, number 226, and number 187. What if there are vows of chastity, and of religion, or solemn vows? Book 3, number 50. Concerning the invalidation of a vow. See Question VI, Article I. Who can indirectly invalidate a vow? Book 4, number 241. Concerning the commutation of a vow. See Question VII. Concerning the dispensation from a vow. See Question VIII. If there is doubt about a vow, are we bound to fulfill it? Book 1, number 28. What if the vow is certain, and the fulfillment doubtful? Ibid. What if it is probable that the vow has already been fulfilled? Number 29, and Book 4, number 700, see Limitations. Is it permissible to marry someone who has a vow of chastity? Book 3, number

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60. And whether one should render to them what is due. Number 61. Is the violation of a vow a sacrilege? Book 4, number 47. What if someone vows to enter a religion without specifying which one? Number 222. What if someone makes a vow not to play, under penalty? Number 225. Does one sin gravely who vows to give a thousand gold coins, and retains only three? Book 2, number 58. Is a rapist who has a vow of chastity obligated to marry her? Book 4, number 649. Are sixty-year-olds who have a vow of fasting obligated to fast? Number 1058. Are sixty-year-olds to whom a vow of chastity has been commuted to fasting obligated to fast? Number 1040. Are religious obligated to fulfill the vows of a cardinalate, or of a bishopric? Book 3, number 2. To what are religious obligated concerning the practice of poverty? Number 14. What does not contradict the vow of poverty? Number 16. Can the vow of poverty be abrogated by custom? Number 35. Is a vow valid if made without the permission of the Prelate? Number 48. When are those who have vows of religion excused? Number 72. Is a vow to marry valid? Book 6, number 75. Can the commutation of vows in a jubilee be done outside of the Sacrament? Number 356, ad XIV. One receiving Holy Orders, ignoring the vow of chastity. Number 809. What if he expressly refuses to make it? Ibid, Question 2. What if he is ordained under duress? Number 811. Does a vow of religion, or of Holy Orders, or of chastity, dissolve betrothals? Number 873. If a betrothed man, after making a vow, forces himself upon the woman. Number 874. If...

[*Latin ed. p. 891*]

The spouse who is ailing may make a vow of chastity. No. 944. If both spouses vow chastity. No. 948. Can the Bishop dispense with a vow of chastity made after marriage? Book 6, No. 986. Can a vow be made before marriage to obtain something? No. 987. Concerning Mendicants, see there. Whether or not the Bishop can grant a dispensation for marriage? Ibid., Question 5. A solemn vow invalidates marriage. No. 1024 and 1023. Can the Pope dispense with it? No. 1026. Is it licit to vow one's life in defense of the preservation of the Blessed Virgin from original sin? Book 7, No. 265. Voice. With what voice should the Mass be celebrated? Book 6, No. 443 and 414. What if you do not hear yourself? Ibid. What if you say something in a submissive tone that should be said in a high tone? No. 415. What if you say something in a high tone that should be said in a submissive tone? No. 416. If someone cuts off his testicles to observe a vow of chastity. Book 7, No. 418. University. A loan given to the University, can it be reclaimed? Book 4, No. 756. Does the usurer acquire ownership of the profit? Book 4, No. 783. Use. What is the use of a thing? Book 4, No. 487. Is a religious person bound to restore what was taken from him for use, from things given for that purpose? Book 5, No. 27. A religious person spending on immoral uses with a general permission. Book 4, No. 875, and Book 5, No. 29, and No. 51. And whether such a permission is valid. Ibid., and No. 50.

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Use of marriage, see Conjugal Duty. What is the use of a fruit? Book 4, No. 487. When does a son acquire the use of the fruit of inherited property? No. 488, see IV. Peculium. Utility, and Useful. Utility excusing someone from labor for public joy. Book 4, No. 304. A useful thing cannot be sold for more than its value to the buyer. No. 806. Utility excusing shepherds from residence. Book 5, No. 425, see IV. And canons from the choir. No. 150, see III. To what is the wife bound? And what are her duties and services? Book 4, No. 352. Is she bound to follow the domicile? See No. 555. Is she bound to pay debts contracted by her husband? No. 554. What is she bound to restore to the children of the first marriage? No. 555 and No. 960. Can a sinful wife be absolved with her husband? Book 4, No. 440. Does the husband annul all the vows of his wife? Book 4, No. 254. Do the wife's vows annul? No. 253. What if they both vow chastity? No. 256. Is the wife excused from Mass because of the husband's anger? No. 327, see. Goods of wives. No. 489. Furtum of wives. Book 4, No. 539. Can a wife give alms? No. 540. Can she spend [money]? No. 541. Can she help her parents? No. 542. Can she receive sustenance from her husband who is burdened with debts? No. 695. Is the wife excused from fasting because of the husband's anger? Book 4, No. 1034.

[*Latin ed. p. 892*]

v. 4. Concerning the wife of a cleric ordained for the sacred ministry: Is she bound to profess religion? Book 6, paragraph 822. v. It is permissible. Can she then marry after the death of her husband? Doubt II. Is the wife ever bound to ask for [divorce]? Paragraph 929. Can she be polluted, if the husband withholds himself after copulation? Paragraph 919. If she has experienced the danger of death in childbirth, or if she is accustomed to burying dead children, is she bound to do so? Paragraph 935. Rising or urinating after copulation. Paragraph 934. v. They say. Is she bound to separate herself from an adulterous husband? Paragraph 964. Is she bound to follow the husband as regards habitation? Paragraph 977. END OF THE INDEX OF SUBJECTS.

[*Latin ed. p. 893*]

NAMES OF AUTHORS CITED IN THIS WORK. (*) WOMEN. COUNTRY. CENTURY. YEAR OF BIRTH. YEAR OF DEATH. Abbot (Nicholas de Tudeschis) Italian 1370 1443 Abelly (Lewis) Gallic 1604 1691 Abulensis (Alphonsus Toslatus) Spanish 1400 145 Acunna (Christopher de) Spanish 1397 1676 Adrian (Adrian) Belgian 1580 Aeneas Sylvius (Pius II) Italian 1405 1464 Aegidius (à Præsent.) Portuguese 16th century Aguirre (Cardinal Joseph Saënz de) Spanish 1650 1699 Alan (William) English 1832 1574 Albert (the Great) German 1193 1280 Albitius (Cardinal Francis) Italian 1623 1684 Alciati (Terentius) Italian 1570 1651 Alcozer. Alcuinus (Flaccus Albinus) English 804 Ales (Alexander de) or Alensis English 1243 Alexan-

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der (from Alexandria) Italian 15th century Aliacensis (Cardinal Peter de Aliaco) Gallic 1425 Almainus (James) Gallic 1515 Alterius 814 Alvarez (Didacus) Spanish 1633 Amalarius (Fortunatus) German Amato (Michael de) Italian 1682 1729 Ambrose (Saint) Italian 340 397 Amicus (Francis) Italian 1651 Amort (Eusebius) German 1692 1773 Anacletus Asians 16th century Anastasius (Sinaite) Italian 1530 1417 Ancharano (Peter de) English 15th century Andrea (John) Italian 1558 1597 Angelus (Mutius) Spanish 16th century.

(*) It will be pleasing to all, and we deem it useful to avoid errors when praising authors, to read and count here, in alphabetical order and completely, the names of the authors which are cited only briefly in the course of this work. If, however, anything imperfect should have occurred in describing the names, countries, and ages of these writers, we do not hesitate to correct, but rather we hope to do so. We have omitted from this catalogue pagan or heretical authors. Edit.

[*Latin ed. p. 894*]

NAME. COUNTRY. CENTURY. Born. Lived. Died.
Anselm (Saint), Italian, 1035, 1109.
Antoine (Paul Gabriel), Gallus (Sabandja Su), 1679, 1743.
Antoninus (Saint), Italian, 1389, 1459.
Anthony (of the Holy Spirit), Lusitanian, Aponte, 1534, 1624.
Louis (Ludovicus), Spanish, 1534, 1624.
Peter (Arragonius), Spanish, 16th century.
Francis (de Arauxo), Spanish, 16th century.
Francis (de Aravio), Spanish, 17th century.
Peter (Arcudius), Archdeacon.
Arunendarius.
Armilla, see Fumus.
Claudius (Arnaudius).
Arnobius.
Rodericus (de Arriaga), Spanish, 1592, 1667.
Richard (Arsdekin), Irish, 17th century.
Astesanus, 1250.
Athanasius (Saint), African, 573.
Augustine (Saint), African, 354, 430.
Peter (Aureolus, Cardinal), Gallus, 14th century.
Avendanus, Spanish.
Raphael (Aversa, of Saint Severinus), 17th century.
Avicenna, Persian, 980, 1037.
John (Avila), Spanish, 1500, 1569.

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John (Azorius), Spanish, 1603.

Author of the "Obedience of Parish Priests."

Anonymous Author. Instructions for the new confessors.

Anonymous Author. Instructions for the confessors of towns and villages.

Anonymous Author. Concerning the Offices of Confessors.

Ludwig (Babenstuber), German, 18th century.

Didacus (Baeza),

Ludwig (Bail), Gallus.

Baldus (de Ubaldis), Italian, 14th century.

Peter (Ballerini), Italian, 1690, 1764.

Jerome (Ballerini), Italian, 1702, 1764.

Stephen (Baluzius), Gallus, 1651, 1718.

Ludwig (Bancellius), Spanish, 17th century.

Dominic (Bannez), Spanish, 1527, 1604.

Augustine (Barbosa), Italian, 1649.

Barchius.

Nicholas (Bardellus), Italian, 1053.

Francis (Bardi).

[*Latin ed. p. 895*]

NAME. NATION. CENTURY. Born. Lived. Died.

Baronius, Italian, 1587, 1667. Baronius (Cardinal Cæsar), Italian, 1538, 1607.

Bartolus, Italian, 1515, 1355.

Basilius (St. Basil the Great), Asian, 329, 379.

Basæus (Eligius), Sabandja Su, 17th century.

Baucius (Charles), Italian.

Bauldri (Paul), Sabandja Su, 1639, 1706.

Baumont (Christopher de), Sabandja Su, 1703, 1781.

Baunus (Stephen), Sabandja Su, 1049.

Becanus (Martin), Belgian, 1561, 1624.

Beda (Venerable), English, 672, 735.

Beja (Louis de), Lusitanian, 16th century.

Bellettus (John).

Bellarminus (Cardinal Robert), Italian, 1542, 1621.

Bellamera (Ægidius de), Sabandja Su, 14th century.

Bellegambe (Francis), 17th century.

Bellochius, Benedict (St.).

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Benzonius (Francis), Italian, 480, 843.
Bernal (Augustine), Spanish, 1360, 1444.
Bernardinus (of Siena, St.), Italian, 1585, 1444.
Bernard (St.), Sabandja Su, 1091, 1153.
Berti (John Lawrence), Italian, 1696, 1766.
Beyerlink (Lawrence), Belgian, 1578, 1627.
Biel (Gabriel), German, 1495.
Billuart (Charles), Belgian, 1685, 1757.
Binsfeldius (Peter), German, 1606.
Rissus (Bernard), Blacciot.
Blosius (Francis Louis), Belgian, 1506, 1566.
Bodin (John), Sabandja Su, 16th century.
Boerius (Nicholas), Sabandja Su, 16th century.
Bona (Cardinal), Belgian, 1609, 1674.
Bonacina (Martin), Belgian, 1631.
Bonamicus, Belgian.
Bonartius (Oliver), Belgian, 17th century.
Bonaspes (Francis), Belgian, 1221, 1274.
Bonaventura (St.), Belgian, 17th century.
Boniface (John), Belgian, 17th century.
Bordonius (Francis), Italian, 1682, 1704.
Borgia (Louis Crespin), Dutch, 17th century.
Bosco (John), Dutch, 17th century.
Bossius (John Angel), Sabandja Su.
Bosvinus, Belgian, 17th century.
Boudewins (Michael), Belgian, 1622, 1702.
Boudartus (James), Belgian, 17th century.
Bouwens (Andrew), Belgian, 17th century.
Brancatius (Cardinal de Lauræa), Italian, 1611, 1603.
Braschius (John Baptist).

[*Latin ed. p. 896*]

NAMES. NATIONALITIES. CENTURIES. Born. Lived. Died.
Bresserus, of Brixia (P. Fortunatus).
Burchardus, German, 1023.
Burghaber (Adamus), German, 17th century.
Busembaum (Hermannus), German, 1600-1608.
Butrio (Antonius de), Italian, 16th century.
Cabassutius (Joannes), Gallic, 1604-1683.

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Cabrera (Petrus de), Spanish, 16th century.
Cabrinus (Josephus), of Cajeta.
Thomas de Vio, Cardinal.
Calderinus (Joannes), Gallic, 14th century.
Calepinus (Ambrosius).
Calmet (Augustinus), Gallic, 1672-1757.
Campanile (Joannes), Italian, 1636.
Campione (Hyacinthus), Hungarian, 1723-1767.
Candidus.
Cangiamila (Francis. Emman.), Italian.
Canisius (Petrus), Dutch, 1520-1577.
Canus (Melchior), Spanish, 1523-1566.
Capellotus, Capotus (Sertorius Caputo).
Capistrano (St. Joannes).
Capreolus (Joann.), Gallic, 15th century, 1633.
Carafa, Italian, 1561.
Caramuel (Joannes), German, 1606-1682.
Cardenas (Joannes de), Spanish.
Carena (Cæsar).
Carnot (Arnold.).
Carolus (Borromeus, St.), Italian, 1538-1584.
Carratinus.
Carterius.
Casarubius (Alphonsus).
Caspensis (Ludovicus), 17th century.
Cassalius.
Cassianus (Joannes), Gallic, 435.
Cassiodorus (Magnus Aurelius), Italian, 460-563.
Castaldus.
Castelvetere (F. Bernard. à), Spanish, 1633.
Castropalao (Ferdinandus de), 1538.
Castro (Antonius de), 1535.
Catharinus (Ambrosius), Italian, 1487-1535.
Ceballos.
Ceneda (Petrus).
Cerbulus.

[*Latin ed. p. 897*]

ROME. MOTHERLAND. CENTURY. Born. Lived. Died.

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Chambers (Ephraim) English 1710
Chapeauville (John) Belgian 1531 1617
Charlas (Anthony) Gallus 1198
Cherubinus (Flavius) Gallus 17th century
Chassainus (Bruno) Gallus 17th century
Chioccarellus (Bartholomew)
Chokier (Erasmus) Belgian 17th century
Chrysostomus (Saint) Asian 314 407
Ciera
Clarus (Julius) Italian 1575
Clericatus (John) Italian
Cochlæus (John) German 1474 1533
Collet (Peter) Gallus 1697 1770
Conitolus (Paul) Italian 1546 1626
Concina (Daniel) Italian 1686 1756
Coninchius (Aegidius) Belgian 1571 1653
Corradus (Pyrrhus) Italian 17th century
Contensonius (Vincent) Gallus 17th century
Continuator Sporerii
Continuator Tournely (see Collet)
Continuator Witassi
Corduba (Anthony de) Spanish 16th century
Coreglia
Corella (James de) Spanish 1637 1699
Coriolano (Francis Longus) Italian 17th century
Cornejus (Peter) Italian 15th century
Cornelius à Lapide Belgian 1566 1657
Corsettus
Cotonius (Peter) Gallus 1564 1626
Covarruvias (Didacus) Spanish 1512 1577
Crassus
Crousers
Crux (John de la) Italian 1676 1751
Cujacius (James) Gallus 1590
Cuniliati (Fulgent) Italian 1683 1759
Curiel (Alphonsus John) Spanish 1609
Cusanus (Nicholas, Cardinal) German 1401 1454
Cutillus

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Cyprian (Saint) African 258
Cyrillus (Saint Alexander) African 444
Cyrillus (Saint Jerusalem) Asian 315 586
D
Dalvinus
Damascenus (John, Saint) Asian 696 780
Damianus (Peter, Saint) Italian 11th century

[*Latin ed. p. 898*]

NAMES. NATIONALITIES. CENTURIES. Born. Active. Died.
Decianus (Tiberius), Italian, 1508, 1584.
Decius (Philippus), Italian, 1454, 1535.
Decocq (Florentius), 17th century.
Delhene (Thomas), 17th century.
Delrio (Martinus Antonius), Belgian, 1551, 1608.
Dlana (Antonius), Italian, 1583, 1663.
Dionysius (of Carthus), Belgian, 1403, 1471.
Dionysius (Alexander), African, 264.
Diocastillo (Joann. de), Italian, 1585, 1653.
Donatus (Hieronymus), Italian, 1513.
Drexelius (Jeremias), German, 1581, 1638.
Driedo (Joannes), Belgian, 1480, 1535.
Druinus (Raynaldus), Gallic, 1682, 1743.
Duardus Du Hamel (Joan. Bapt.), Gallic, 1624, 1706.
Dupasquierus (Sebastianus), Gallic.
Dupinus (Ludovicus), Gallic, 1700, 1800.
Durandus (Guillelmus), Gallic, 1252, 1206.
Durandus (Stephanus), Gallic, 1589.
Duvallius (Andreas), Gallic, 1554, 1638.
E
Echius (or Eckius, Joannes), German, 1486, 1543.
Elbel (Benjamin), German, 18th century.
Elizalde (Michael de), Spanish, 17th century.
Ephrem (Saint), Asian, 578.
Epiphanius (Saint), Asian, 310, 405.
Erasmus (Desiderius), Dutch, 1467, 1536.
Escobar (Antonius de), Spanish, 1589, 1669.
Esparsa (Martinus de), Spanish, 17th century.
Estius (Guillelmus), Dutch, 1542, 1613.

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Eusebius (Pamphilus), Asian, 4th century.
Everardus (Cardinal), French.
Faber (Joannes), German, 1470, 1541.
Fachinæus.
Fagnanus (Prosper), Italian, 1508, 1678.
Fagundez (Stephanus), Portuguese, 1377, 1645.
Farinaccius (Prosper), Italian, 17th century.
Farvacquesius (Franciscus), Gallic, 17th century.
Fausto (Bartholomeus à S.), Italian, 17th century.
Felinus, see Sandeus.
Fenario (Joan. à),
Ferdinandus (de Jesu), Spanish, 1571, 1644.

[*Latin ed. p. 899*]

NAMES. PATRONYMS. CENTURIES. Born. Lived. Died.

Fernandez Ferraris (Lucius) Ferrantinus (Jerome) Filiguera Filiuccius (Vincent) Italus 1856 1632

Fischer (John) English 1453 1535

Flaminius Italus 16th century

Fleury (Claudius) Gallus 1640 1723

Floronus (Luke) Gallus 17th century

Fontanus (Francis) Fornarius (Martin) Italus 17th century

Fragosa Francolinus (Balth.) Italus 18th century

Francis (Salesius S.) Sabaudian 1367 1622

Franzoja (Angel) Frassenius (Claudius) Gallus 1620 1711

Freita Fumus (Bartholomew) Italus 16th century

G. Gabriel (A. S. Vincent) Gabrina Gaherus Gallego (Barnabas) Galenus (Matthew) Batavian 1528 1573

Gallemarte Gallensis Gallia vindicata (Anonymous Author) Gallup. Gamachæus (Philip) Gallus 1568 1623

Gandavensis (Henry) Belgian 17th century

Garcias (Nicholas) Spanish 17th century

Gatticus (P.) Gavantus (Bartholomew) Marcus 1640

Genettus (Francis) Gallia 1640 1702

Genuensis (Marcus Anthony) Gerson (John) Gaurus 1363 1429

Giballinus Gibertus (John Peter) Gallia 1660

Gigas (Jerome) Italus 16th century

Giribaldus Gisbertus (John) Gallus 1659 1711

Glossa (Authors, interpreters of Law and Canon) Gobatus (George)

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Swiss 1600 1679
Gomez (Anthony) Spanish 16th century
Gonet (John Baptist) Gallus 1616 1681
Gonsalez (Thyrsus) Spanish 1705
Gordon (James) Scottish 1552 1641

[*Latin ed. p. 900*]

NAME. NATIVITY. CENTURY. Born. Visited. Died.
Gormaz (John Baptist), Spanish.
Gothofredus (Dionysius), Gothic, Italian.
Gotti (Vincent, Louis, Cardinal), Italian. 1664, 1743.
Grado (Stephen), Dalmatian. 17th century.
Graffis (James de), Italian. 16th century.
Granado (James), Spanish. 1572, 1632.
Granata (Louis à), Spanish. 1505, 1588.
Grancolas (John), Sabandja Su. 1732.
Grandinus (Martin), Sabandja Su. 1604, 1691.
Gratianus, Italian.
Graveson (Ignatius Hyacinth Amat.), Sabandja Su. 1670, 1733.
Gravina (Joseph Maria), Italian. 1702, 1780.
Gregory the Great (Saint), Italian. 540, 604.
Gregory (Nazianzus, Saint), Asian. 328, 389.
Gregory (Nyssa, Saint), Asian. 331, 396.
Gretserus (James), German. 1561, 1625.
Grotius (Hugo), Dutch. 1585, 1645.
Guillelmus, Parisian, Sabandja Su. 1249.
Guimenius Guttierez (John), Spanish. 16th century.
Guyetus (Charles), Sabandja Su. 1600, 1664.
Habert (Louis), Sabandja Su. 1633, 1718.
Haelensis (Alexander), Dutch.
Haræus (Francis), Dutch. 1550, 1632.
Harduinus (John), Sabandja Su. 1646, 1729.
Hannoldus (Christopher), German. 17th century.
Heinneccius (John Gottlieb), German. 1681, 1741.
Henno (Francis), Belgian. 18th century.
Henricus (of Saint Ignatius), Belgian. 1720.
Henriquez (Henry), Lusitanian. 1536, 1608.
Herincx (William), Belgian. 1620, 168.
Herminier (Nicholas L.), Sabandja Su. 1657, 1735.

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Jerome (Saint), Dalmatian. 331, 420.
Hilarius (Saint), Sabandja Su. 368.
Hoffman (Gasper), German. 1572, 1648.
Holden (Henry), Sabandja Su. 1596, 1603.
Holzmann, German.
Homobonus de Bonis, Italian. 1273.
Hostiensis (Henry de Segusia), Belgian. 12th century.
Hozes, Hugo of Saint Victor, Belgian.
Hugo (Charles Louis), Sabandja Su. 1739.
Humbertus (Peter), Sabandja Su. 1696, 1788.
Hurtado (Thomas), Spanish. 1659.
Hurtado (Gasper), Spanish. 1575, 1647.
Hurtadus (Peter, of Mendoza), Spanish. 1646.

[*Latin ed. p. 901*]

ROME. MOTHERLAND. CENTURY. BORN. LIVED. DIED.

Ignatius of Loyola (Saint), Spaniard, 1491, 1556.
Ildephonsus (John Baptist), Illsung (James), German, 17th century.
Imola (John), 1436.
Innocent III, Pope, Italian, 1160, 1216.
Irenaeus (Saint), Greek, 202.
Isambertus (Nicholas), Gallus (Sabandja Su), 17th century.
Isidorus (Saint), Spaniard, 12th century.
Januariis (Joseph), Jason, Javellus (Christopher), Italian, 1540.
Joachim (Abbot), Italian, 1450, 1202.
John of the Cross (Saint), Spaniard, 1542, 1891.
John of Saint Thomas.
Jordanus (Benedict), German, 1237.
Iserna.
Jueninus (Gaspar), Italian, 1650, 1715.
Justinus (Saint), Asian, 105, 163.
Ivo, Gallus (Sabandja Su), 11th century.
Kellisonius, Krimerius (Ferdinand), 18th century.
Kuglerius (John).
L'abbé (Philip), Gallus (Sabandja Su), 1607, 1666.
La Croix (Claudius), Belgian, 1652, 1714.
Lactantius (Lucius Cœlius), African.
Laguna (Andrew), Spaniard, 1499, 1560.

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Llamas (Jerome).
Lambertini (Cardinal Benedict XIV.), Italian, 1675, 1758.
Lampridius (Anthony).
Lancellotti (John Paul), Italian, 1311, 1591.
Lancicius (Nicholas), Polish.
Lanfranc, Italian, 1005, 1089.
Lassarte.
Lastra.
Launojus (John), Gallus (Sabandja Su), 1605, 1674.
Layman (Paul), German, 1576, 1623.
Leander (of the Most Holy Sacrament), Gallus (Sabandja Su), 1667.

[*Latin ed. p. 902*]

NAME. COUNTRY. CENTURY. Born. Lived. Died.
Lebrun (Peter) Gallus (Sabandja Su) 1661 1729
Ledesma (Peter) Hispania 1616
Ledesma (Bartholomew) Hispania
Leo (St.) Italia 461
Leon (Alphonsus de) Italia
Leonardus à Portu Mauritio (Benedict) Italia 1676 1731
Lessius (Leonard) Belgia 1554 1623
Leurenius (Peter) Germania 18th century
Lezana (John Baptist de) Hispania 1586 1650
Lezarus (Peter) Gallus (Sabandja Su) 17th century
Lohner (Tobias) Germania 17th century
Lombardus (Peter) Gallus (Sabandja Su) 1140
Lopez (Lewis) Lorca (Peter de) 17th century
Lorichius (Judocus) Germania 17th century
Lorichius (Lewis) Germania 17th century
Lossada Loth (Lewis Bertrand) 1655
Lotterius (Melchior) Luca (Lucca)
Luca (Lucca) (Cardinal John Baptist de) Italia 1617 1685
Lewis (of St. John) Lugo (Cardinal John de) Hispania 1583 1660
Lugo (Francis) Hispania 1652
Lumbier Lupus (Christian) Belgia 1612 1681
Lyro (Nicholas de) Gallus (Sabandja Su) 1340
M Machadus de Chaves (John) America 1655
Macrus Magius (Francis Mark) Italia 1612 1686
Majolus (Simon) Italia

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Major (John) Scotia 1468 1650
Malderus (John) Belgia 1655
Maldonatus (John) Hispania 1531 1585
Malvenda (Thomas) Hispania 1566 1628
Mancinus (John Baptist) Italia 1640
Manriquez (Angel) Italia 1577 1649
Mansi (John Dominic) Italia 1692 1769
Manuel, Marca (Peter de) Gallus (Sabandja Su) 1594 1623
Marchaldus Marchantius (James) 17th century
Marchantius (Peter) Belgia 1583 1661
Marchinus (John Francis) Italia 1713 1713
Marco (Bartholomew de) Italia 18th century
Margarita

[*Latin ed. p. 903*]

NAMES. PATRONYMS. CENTURIES. Born. Lived. Died.
Marianus Victor Marino (Dominicus à) Italian, 1689.
Marinus (Joannes) Spanish, 1634, 1725.
Marsilius Italian, 1528.
Martinez (Gregorius) Gallus (Sabandja Su), 1684, 1739.
Martene (Edmundus) Gallus (Sabandja Su), 1662.
Martinon (Joannes)
Martinus (of St. Joseph)
Martyr (Petrus) Italian,
Mascardus (Josephus) Italian, 16th century.
Mastrius (Bartholomæus) Italian, 1593.
Mathæus (de Krocof) German, 17th century.
Matienzo, 1410.
Mauri (editors & Congregation of the Oratory)
Maurus (Sylvester) Italian, 1672.
Mazzochius (Alexius) Italian, 1684, 1771.
Mazzotta
Medina (Bartholomæus) Spanish, 1538, 1581.
Medina (Joannes) Spanish, 1490, 1546.
Megala Milante Italian, 1749.
Menardus (Nicolaus Hugo) Gallus (Sabandja Su), 1583, 1644.
Menchata
Mendo (Andreas)
Mendosa (Franciscus de) Portuguese, 16th century.

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Menghi (Jeronymus)
Menochius (Jacobus) Italian, 1552, 1607.
Merarius
Merati (Cajetanus) Italian, 1668.
Merbesius Gallus (Sabandja Su), 1684.
Mercado (Ludovicus de) Spanish, 1520, 1606.
Mercorus (Julius) 17th century.
Merenda (Antonius) Italian, 1578, 1687.
Merolla (Franciscus)
Metinus (Henricus)
Michel (Augustinus)
Miranda (Ludovicus) Mirande,
Molfesius (Andreas)
Molina (Ludovic)
Monacellus (Franciscus)
Moneta
Montesinos (Ludovic) Italian, 1240.
Moretto Spanish, 1621.
Morinus (Joannes) Gallus (Sabandja Su), 1591, 1659.
Moscosa
Moure (Antonius Fernandez de) Portuguese, 17th century.
Moya (Mathæus de) Spanish, 17th century.
Muratorius (Ludovic) Italian, 1672, 1750.
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[*Latin ed. p. 904*]

NAME. FAMILY NAME. CENTURY. Born. Lived. Died. Murcia (Leander de) Murtius Muscettola (Francis). N Naldus Nancius (William). Narbonne. Natalis Alexander. Gallus. 1639. 1724. Natta (Mark Anthony). Italian. 16th century. Nauclerus (John). German. 15th century. Navarrus (Martin). Spanish. 1586. Navarrus (Peter). Spanish. 16th century. Navarrus (Tiburtius). Spanish. 16th century. Nellus. Nevo (Alexander de). Italian. 15th century. Nicephorus (Historian). Greek. 8th century. Nicolai (John). Gallic. 17th century. Nicolius (Peter). Gallic. 1623. 1693. Nieremberg (Eusebius). Spanish. 1580. 1658. Noris (Henry, Cardinal). Italian. 1631. 1704. Nugnus (Didacus). Nyder (John). German. 15th century. O. Ochagavius (Peter). Spanish. 17th century. Oltrado. Onnate (Peter de). Onuphrius. Italian. 1568. Opatovius. Origines (Adamantius). African. 183. 234. Ormachæa (Jerome). Orsi (John Augustine, Cardinal). Italian. 1692. 1761. Ortiz (Alphonsus). Spanish. 15th century. Ovanus. Oviedo (Francis de). Spanish. 1631. Oxeda. P. Pagius (Anthony). Gallic. 1624. 1603. Palatius

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(Michael). Spanish. 16th century. Palao (Michael de). Palladius.

[*Latin ed. p. 905*]

WOMEN. NATIVITY. COUNTRY. LIVED. DIED. Pallavicini (Sforza, Cardinal). Italian. 1607. 1607. Paludanus (Peter de Palude). Gallus (Sabandja Su). 14th century. Pandao (Henry of). Panormitanus (Palermo). See Abbot Panzaroli. Pardus. Pariginus (John of). Pasqualigus (Zachary). Italian. 17th century. Passerinus (Peter Mary). 17th century. Patel. Patutius (John Vincent). Italian. 1700. 1760. Pavone (Joseph Mary). Italian. 18th century. Pax (Jordan). Payva (Didacus). Pecininus. Pegna (Francis). Peyrinus (Lawrence). 17th century. Pelbartus. Pellizarius (Francis). Italian. 1651. Pereira. Hispanic. 16th century. Perez (Martin). Hispanic. 17th century. Perez (Anthony). Hispanic. 1583. 1672. Personius. Persicus. Pesantius (Alexander). Italian. Petavius (Dionysius). Gallus (Sabandja Su). 1583. 1652. Petio (de). Petitidierus (Abbot). Gallus (Sabandja Su). 1639. 1728. Petra (Cardinal). Petrocorensis. Petrucci (Peter, Cardinal). Italian. 1638. 1701. Petschascher (Benedict). German. 17th century. Philiarchus. Philibertus. Philippus (Nerus S.). Italian. 1315. 1305. Piasecius (Paul). Italian. 17th century. Pichler (Vitalis). German. 1750. Picus of Mirandola (Cardinal). Italian. Piette (Aurel). Italian. Pignatellus (James). Italian. 17th century. Pinamonti (John Peter). Italian. 1642. 1705. Pinellus. Italian. 17th century. Pirbing (Henry). German. 17th century. Piscara. Pittonius (John Baptist). Pizarrus. Platelius (James). Belgian. 1608. 1681. Polancus (John).

[*Latin ed. p. 906*]

NAMES. PATRONYMS. CENTURIES. Born. Lived. Died.

Pomponius Pontanus (Francis.) Pontassus (John) Gallus 1638 1728
Pontius (Basil) Spanish 1629
Portella (Lawrence) Spanish 17th century
Possevinus (Anthony) Italian 1554 1611
Potesta (Felix) Gallic
Prado (John Martin de) Spanish 1668
Præpositus (John) Belgian 1634
Purchotius (Edmund) Gallic 1651 1754
Puteanus (Henry Van de Putte) Dutch 1574 1646
Pyrrhus Prosper (Saint) Gallic 403
Quaranta (Stephen) Italian 17th century
Quarti (Paul Mary) Italian 17th century
Quintanadvenas (Anthony de) Spanish 1651
Ramirez (Calixt)
Raymundus de Pennafort (Saint) Spanish 1175 1275

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Rancé (Abbot of) Gallic 1626 1700
Raynaldus (Oderic) Italian 1595 1671
Raynaudus (Theophilus) Gallic 1583 1663
Rebellus (Ferdinand) Portuguese 1547 1608
Rebuffus (Peter) Gallic 1487 1357
Reginaldus (Valerius) Gallic 1343 1623
Regula Morum (Author anonymous)
Reiffenstuhl (Anaclet) German 18th century
Relig. (Anthony de)
Renzius
Rhodes (Gregory de) Gallic 1661
Ribadineira (Peter) Spanish 1517 1611
Riccius (Aloysius) Italian 17th century
Richard Anglus 12th century
Rigordus Gallic 1207
Riminaldus
Ripa (John Francis) Italian 1354
Ripalda
Riverius (Lazarus) Gallic 1589 1353
Rocafull (Joseph) Spanish 17th century
Roch
Rodriguez (Emmanuel) Portuguese 1551 1619

[*Latin ed. p. 907*]

NAME. FAMILY NAME. CENTURY. Born. Lived. Died.
Roland Roncaglia (Constantinus) Italian 18th century
Rosella (Joseph) Italian 17th century
Rosmer (Paul) Belgian 1664
Rossius (John Baptist) Italian 1507 1578
Rovitus S Sa (Emanuel) Portuguese 1530 1596
Sabbatinus Sabinus (Francis) Spanish 1612
Salas (John de) Spanish
Salcedo Salmanticenses (Carmelite Discalced) Spanish
Salmeron (Alphonsus) Spanish 1585
Salonius (Michael) Spanish 1545 1583
Sambovius (Sainte-Beuve, James) Spanish 17th century
Sanchez (Thomas) Gallus 1613 1677
Sancius (John) Spanish 1554 1610
Sanctius (Gaspar) Spanish 17th century

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Sanctorelli Spanish 1544 1628
Sandeus (Felin.) Italian 1503
Sarnelli (January Mary) Italian 1702 1744
Sayrus (Gregory) English 1602
Scaramelli (John Baptist) Italian 18th century
Scheelstrate (Emm. de) Belgian 1648
Schilder (Lewis de) Belgian 1606 1667
Schneider.
Scotus (John Duns) 1273
Scortia (John Baptist)
Segneri (Paul) Italian 1624 1694
Segura Scnensis (Hugh)
Serarius (Nicholas) Gallus 1555 1609
Servius (Philip)
Serius (Mark) Italian 1663
Serra (John Angel) Italian 1773
Serry (James) Gallus 1639 1738
Sessa (Joseph)
Sfondratus (Cardinal Celestine) Italian 1649 1696
Sifilinus
Sigismundus
Silos
Sitvester (de Afficto)
Simanchus (James)
Simonet (Edmund) Gallus 1662 1753
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NAME. FAMILY. CENTURY. Born. Lived. Died.
Stremundus (James) Gallus (Sabandja Su), 1631
Sixtus (of Siena) Italian, 1520, 1569
Sleidanus (John) Belgian, 1506, 1556
Socinus (Marian) Italian, 1401, 1487
Sorbo (Jerome of) Gallus (Sabandja Su), 1201, 1274
Sorbon (Robert of) Italian, 1700, 1767
Soria (John of) Spanish, 1494, 1560
Soto (Dominic) Spanish, 1563
Soto (Peter of) Lusitanian, 1604, 1635
Sousa (Louis of) Italian, 17th century

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Sperelli (Alexander) Spinellus Gallus (Sabandja Su), 1568, 1643
Spondanus (Henry de Sponde) German, 17th century
Sporer (Patrick) Staib, Stephan of St. Paul, German, 1614, 1678
Stotz (Matthew) Spanish, 1548, 1617
Suarez (Francis) Spanish
Suarez (John) Surdus German, 1500, 1566
Suso (Henry) Belgian, 1581, 1649
Sylvius (Francis)
Taberna (John Baptist) Belgian, 17th century
Tabiena (John) 16th century
Tamburini (Thomas) Italian, 1581, 1675
Tancredus (Vincent) Italian, 1659
Tanner (Adam) German, 1572, 1632
Tapia (Peter of) Spanish, 1657
Tasi
Tassoni (Alexander) Italian, 1565, 1635
Terillus (Anthony) English, 17th century
Tertullian (Quintus Septimus) African, 316
Tesaurus (Charles) Italian, 1587, 1635
Texeda
Themudus Asian, 593, 458
Theodoretus
Theodorus (of the Holy Spirit)
Theotimus
Theresia (Saint) Spanish, 1513, 1582
Thomas (of Aquin, St.) Italian, 1227, 1274
Thomas (of Villanova, St.) Spanish, 1488, 1555
Thomassinus (Louis) Gallus (Sabandja Su), 1619, 1695
Firaquellus (Andrew) Gallus (Sabandja Su), 1558
Firinus (James) Belgian, 1580, 1639

[*Latin ed. p. 909*]

WOMEN. NATIVITY. COUNTRY. LIFETIME. DEATH. Born in (Francis) Spain, 1532, died 1536.

Tonellus (Hippolytus) Italy, 18th century.
Torrecilla Torreblanca Spain, 17th century.
Tostatus (Alphonsus, see Abulensis)
Tournely (Honorat.) Sabandja Su, 1658, died 1729.
Trimarchus Triumphus (Augustine)

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Troila
Trulenchius (John Ægidius) Spain, 17th century.
Tucius
Turibius (Saint)
Turecremata (Cardinal John de) Spain, 1588, died 1468.
Turrianus (Aloysius de Torres) Spain, 1504, died 1584.
Tuschus (Dominic, Cardinal) 1620.
U
Ubaldis (Peter de) Italy, 1400.
Ugolinus (Bartholomew) Italy, 1540.
Ugonius (Mathias) Asia, 1507.
Ursaya (Dominicus)
Ursil
Valdesius (Ferdinand) Valencia (Gregory a) Spain, 1545, died 1605.
Valeria (Augustine) Italy, 1551, died 1606.
Van Espen (Zeg. Bernard) Francis, 1700, died 1800.
Van Roy (Leonard) Francis, 18th century.
Vasquez (Gabriel) Francis, 1604.
Vega (Alphonsus) Francis, 16th century.
Velasquez (Anthony) Francis, 1585, died 1669.
Veneto (Paul) Francis, 1429.
Ventriglia (John Bapt.)
Veracux (Alphonsus) Spain, 16th century.
Verde
Verricelli (Angel Maria) Italy, 17th century.
Verjuys (Anthony) Sabandja Su, 1652, died 1706.
Vestrini Victorelli (Andrew) Italy, 1549.
Victoria (Francis de) Spain.
Vidal (Mark) Italy, 17th century.
Viguerius (John) Spain, 16th century.
Villalobos (Henry de) Spain, 17th century.
Visconti (Joseph) Italy, 16th century.

[*Latin ed. p. 910*]

413 Names of the Authors cited in this work. NAME. COUNTRY. CENTURY. Born. Lived. Died. Viva (Dominic), Italian, 1618. Vivaldus (Marc. Alphons.), Italian, 16th century. Volaterranus (Raphael), Italian, 1430, 1521. Wading (Peter), Irish, 1586, 1644. Waldensis (Thomas), English, 1430. Wazz, Wesembec (Matthew), Belgian, 1531, 1586. Weistner (Jacob), Wigandt, Belgian, 1571, 1639. Wiggers (John), 1660, 1706. Witasse

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(Charles), Z. Zacharia (Francis Anthony), Italian, 1712, 1796. Zambranus (Melchior), Spanish, 17th century. Zanardi (Michael), Italian, 1570, 1641. Zachius, German, 16th century. Zerola (Thomas), Italian, 1448. Zumel (Francis), 1607.

[*Latin ed. p. 911*]

ERRATA. 1. The annotation which is to be deleted is that found near line 6, number 539, concerning the obtaining of a plenary indulgence in a privileged altar. Indeed, the Editor was deceived by certain publications from France and Belgium, which reported a certain decree of the Holy Roman Church, partly false, which they subsequently retracted. 2. Both the Author and the Editor of this work have forgotten to insert certain places into the text; the Author had placed them in the general index, which the Editor now presents in these locations. The following are those which the Author noted with these words: a. Whether those who devoutly hear the Hours, while musicians are singing, satisfy [their debt to justice]? Some affirm this apud Pelliz. c. 8. n. 42; but it must be entirely denied, as stated by Croix l. 4. n. 1299 and Mazz. t. 1. p. 502. This is noted here because it was omitted in the body. b. Note here, as a brief aside, a certain doctrine which was omitted in the body: A religious person unjustly denying assistance to a novice sins, and is bound to restitution, as say Sporer tr. 5. in Dec. c. 1. n. 139, Lugo d. 9. n. 54, and Holzmann, t. 1. p. 614. n. 471, along with others most commonly; unless there is a grave reason for reprehension, namely, infirmity, bad character, lack of talents, and the like, so that he may be considered unsuitable for the religious life.

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